

**FIGHTING
OBAMACARE**
JEFFREY H. ANDERSON
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the weekly

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Conservatism's Comeback Down Under

FRED BARNES reports
from Australia

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Oils Well

Rep. Bill Cassidy (R-La.) is sponsoring a measure that sounds like a good idea and features one of those clever legislative acronyms: the Eliminating Government-Funded Oil-painting (EGO) Act. It would outlaw the use of federal funds to pay for portraits of senior officials, especially members of the cabinet. “At a time of trillion-dollar deficits,” says Cassidy, “it is not appropriate to spend thousands of taxpayers dollars on official paintings. . . . Just because it’s a Washington tradition doesn’t mean we have to keep doing it.”

Mr. Cassidy, as it happens, is running for the Senate, and publicity about the EGO Act, which appeals to a certain kind of primary voter, has done him no harm. At a time of trillion-dollar deficits, who would not wish to save the taxpayers’ hard-earned money—especially money that might be spent on, say, an oil portrait of Eric Holder or Nancy Pelosi?

To which THE SCRAPBOOK responds: Yes, but. Yes, in the fifth year of the Obama presidency, it is urgent to get federal spending under control, and it’s always important to remember where “federal funds” come from. And yes, THE SCRAPBOOK is not especially looking forward to the unveiling of Eric Holder’s portrait in the Justice Department. But the EGO Act requires a little background information.

First, the costs of oil portraits—for

presidents or speakers of the House or federal judges—are borne in several ways: Some are underwritten by earmarked federal funds, but many are paid for by private subscription. And while we agree with Cassidy that there is little or nothing sacro-



John Singer Sargent's Theodore Roosevelt

sanct about “Washington traditions,” certain traditions, more than others, might appeal to conservatives. Some of the most memorable depictions of towering figures in U.S. history—Gilbert Stuart’s George Washing-

ton, John Singer Sargent’s Theodore Roosevelt—began as official portraiture. And is a photograph the same as an artist’s portrait? Not really. The same “Washington tradition” that gives us Bill Clinton in oils makes possible the White House portrait of Ronald Reagan.

In fact, the shortsighted nature of the EGO Act reminds us of a similar gesture in the past. When Jimmy Carter was elected president, he installed his 34-year-old second cousin Hugh Carter Jr. as White House special assistant, assigned to cut costs and trim the sails of the imperial presidency. Young Carter, armed with a Wharton MBA, went straight to work: He sold off the historic presidential yacht *Sequoia*, canceled all White House newspaper and magazine subscriptions, removed some 250 television sets and 175 AM-FM radios—and ended the tradition of oil portraits for retiring cabinet members. Dubbed “Cousin Cheap” by the press, Hugh Carter Jr. probably saved tens of thousands of dollars in an era of half-trillion-dollar federal budgets, while keeping the White House free of radios and newspapers.

In due course, Jimmy Carter was replaced by Ronald Reagan, who understood penny wisdom and pound foolishness in Washington and revived the tradition of cabinet portraits. ♦

Who Will Guard the *Guardian*?

A curious episode unraveled last week that, in THE SCRAPBOOK’s judgment, tells us everything we need to know about the motives of Edward Snowden, and the ethics of Glenn Greenwald (the *Guardian* journalist who broke the Snowden story) and the *Guardian* itself, Britain’s premier left newspaper.

David Miranda, a Brazilian national who happens also to be Glenn Greenwald’s lover, was detained at Heathrow Airport for nine hours under Britain’s Terrorism Act. He was questioned by security officials, who also confiscated some electronic equipment and, according to Greenwald in the *Guardian*, denied him access to a lawyer. This was first reported as a heavy-handed attempt by the Cameron government to in-

timidate Glenn Greenwald—with a touch of homophobia thrown in for good measure. Greenwald was accordingly defiant and indignant: The British can’t intimidate me, he declared. And poor David, caught in the middle, is merely “my partner. He is not even a journalist.”

Not surprisingly, as days went by, this smartly packaged tale of speaking truth to power, of innocent love and brute force—accompanied

by photographs of Greenwald and Miranda reuniting after the ordeal—swiftly disintegrated.

Miranda may not be a journalist, whatever that means these days; but he was, in fact, assisting Greenwald by transporting encrypted data drives, containing stolen British and American intelligence, for delivery to Greenwald from a confederate in Berlin. That was the “equipment” confiscated at Heathrow. And he was, he later admitted, offered the services of a lawyer at Heathrow, but refused them.

The scandal here is not that Edward Snowden, now safely ensconced in Russia by way of China, acted on behalf of governments hostile to American interests; or even that another Greenwald/Snowden associate, Julian Assange of WikiLeaks fame, answered, in effect, “who cares?” when asked if these activities might endanger the lives of British and American agents. The scandal is that both Greenwald and the *Guardian* knew all along that Greenwald’s lover was acting as his mule—that is, transporting stolen intelligence information—but chose to lie, repeatedly and publicly, about it. And the *Guardian*, needless to say, paid Miranda’s airfare.

The British not only had every reason to stop and question David Miranda; it would have been extraordinary if they had not. It would be equally extraordinary to believe anything further Glenn Greenwald or the *Guardian* has to say on the subject. ♦

High-heeled Nonsense

The press, for whatever reason, has been strangely Panglossian on North Korea ever since Kim Jong-un took over as supreme leader back in December 2011. No Stalinist tyrant is he, we’ve been told time and again. In fact, he may just be a bona fide reformer!

Last July, in an article filled with gushing over Kim’s “beautiful” wife, the Associated Press reported



on a “whiff of economic reform” in North Korea. A few months later, the *Washington Post* saw a “glimmer of reform,” based on a speech Kim gave in which he stressed the importance of economic development. Early this year, AFP filed a similar report, also based on a speech Kim delivered stressing the importance of economic strength.

Of course, these “glimmers” and “whiffs” have turned out to be chimerical. North Korea remains the same brutal, human-rights-crushing, terror-supporting Communist dictatorship that it was under Kim’s father and grandfather. Economic and political liberalization has been

nonexistent. And besides, Kim Il-sung and Kim Jong-il both frequently made statements on the importance of building a strong economy—their heir is hardly unique in this regard.

Still, the media haven’t lost hope. The latest “glimmer of reform” appears to be—drum roll please—high heels! A breathless dispatch from ABC News last week reported that several of its journalists, who were recently permitted to enter the country for a stage-managed tour, witnessed a few North Korean women wearing high-heeled shoes. The solons at ABC attributed deep meaning to this sartorial choice, exclaiming that the shoes “appear to

be glimpses of a modern world in a country so determined to shut it out. One recalls neighboring communist China, whose breathtaking evolution into economic powerhouse has dominated headlines. And yes: They, too, once dressed in monochromatic clothes and shoes—the disappearance of which coincided with its (monitored) embrace of modern culture and fashion.”

Of course, this “analysis” doesn’t actually prove any causality between China’s economic opening and its embrace of modern fashion. And the ABC report is actually even weirder than that, because it seems to imply that new fashion causes economic reform. But, alas, sometimes a shoe is just a shoe: Indeed, the North Korean taste for heels simply shows that occasionally new fashion developments can occur without any attendant economic or political change.

One can expect such confusion among journalists, however, given how much mileage the hoary trope that “blue jeans brought down the

Soviet Union” has gotten. (Anything to avoid giving Ronald Reagan and Margaret Thatcher any credit, we suppose.) But it’s still strange: If the media want to read such importance into what North Koreans are wearing, shouldn’t Kim Jong-un’s predilection for Mao suits cancel out the supposed progress embodied in a pair of high-heeled shoes? ♦

Sentences We Didn’t Finish

Anthony Weiner may be lagging in the race for New York City mayor, but he is winning in another area—hot dog marketing. The delicious combination of Anthony Weiner’s name and his sexually suggestive Twitter antics were apparently too good to pass up for one Florida marketing man, who has joined forces with an Illinois hot dog company to create a hot dog brand called . . .” (“‘Carlos Danger’ Brand of Weiners Enters the Food Market,” ABC News, August 16). ♦



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Toting a Dumb Phone

Cell phones today in America are of course endemic, if not epidemic. On one of the thoroughfares in the youthful neighborhood in which I live, I can sometimes walk an entire block without passing anyone not on or gazing down at or thumb-pumping his or her cell phone. Everyone has seen three or four people sitting at a restaurant table, each one of them on a cell phone. Or a young couple who should be looking longingly into each other's eyes looking instead into their cell phones. Just yesterday a homeless man, in front of the Whole Foods in our neighborhood, his cup extended for change in one hand, was talking loudly into the cell phone held in his other hand. Contemporary America might have a homelessness but certainly not a phonelessness problem.

The homeless man's cell phone was not a smartphone, but a flip phone, rather, I am a touch nervous to confess, like my own. My nervousness derives from my being so out of date as still to be toting around a flip, or what I have taken to calling a dumb, phone. Taking out a flip phone in some circles is tantamount to carrying an ear trumpet—it's almost quaint.

Only two people have my cell phone number, and weeks go by in which I never use my dumb phone. Still, I don't often leave the house without it. I carry it around in case some strange emergency should occur in which I would need a phone: I get a flat tire in a distant part of town, I fall and injure myself, I lose my wallet. The one thing I don't have to worry about is thugs mugging me in order to steal my phone, at least not when they notice it isn't a smartphone.

I bought my first cell phone roughly 20 years ago. I bought it for my wife, who was traveling frequently between Chicago and South Bend, Indiana, where her aged and ill mother was living. The point of having the cell phone was security. If her car broke down on the Indiana Toll Road, she could use the phone to call for help. The car never did break



down, but we kept the cell phone, on which I paid a monthly fee of \$36, or roughly \$400 a year. Then someone told me that I need pay only \$25 a quarter if I went into a nearby AT&T shop and “refilled” my phone every three months, at \$25 a shot. At \$100 a year, I acquired a second dumb phone—one for me, one for my wife. But the bargain isn't what is at stake.

The truth is that I am wary of having a smartphone. I already feel sufficiently enslaved by computers and digital culture. I can no longer write at more than a few paragraphs' length except on my computer. (Solzhenitsyn wrote a good portion of his *Gulag* books in the smallest possible hand on toilet paper.) I must check my email 20 times a day,

including first thing in the morning. I do not myself tweet, but I read the tweets of a few friends and also their Facebook pages. I spend roughly 40 minutes early in the day getting my (mostly unsatisfactory) news online. My computer pings and I rush over to learn the *Wall Street Journal* has discovered another hedge-fund guy guilty of insider trading, or three bombs have gone off in downtown Islamabad, news that could have waited. Digital life, with its promise of keeping one up to the moment, is very jumpy.

So why, then, do I need to carry a computer around with me, for smartphones have of course become portable computers. Do I require Google in my pocket, a permanent aid to memory, so I can check something as important as who pitched the fifth game of the 1945 World Series? Do I really need apps that will give me stock-market quotations, or let me play video games, or provide Baroque string quartets while I am in the bathroom? I have no need for these artificial distractions.

The mind, the rabbis tell us, is a great wanderer. In its wanderings it often comes upon memories of dear but now dead friends, interesting connections between dissimilar notions, random observations, ideas for stories and essays. No app exists to organize the wandering mind, thank goodness.

Early in the twentieth century, Degas was dining at the home of his friend the painter Jean-Louis Forain, a man who prided himself on keeping up with his time and who therefore had one of the early telephones installed in his house in Paris. In the middle of dinner, the phone rang, and Forain leapt from the table to answer it. “Ah,” said Degas, “the telephone. Now I understand. It rings, you jump.”

Think I'll stay with my dumb phone.

JOSEPH EPSTEIN

Assad Calls Obama's Bluff

The timing was probably not a coincidence, falling as it did on two anniversaries. August 18, 2011, was when President Obama first demanded Syrian president Bashar al-Assad step aside, and August 20 last year was when Obama warned that the use of chemical weapons would “change my calculus.” It was a year to the day after Obama’s warning that Assad launched what is to date the regime’s largest chemical weapons attack. At least a thousand people are dead, likely more, in several Damascus suburbs and outlying towns. The video reports from Syria are chilling—children foaming at the mouth, their unblinking eyes full of terror, their contorted limbs frozen like broken dolls.

Yes, yes, it’s terrible, say many, but why would Assad be so foolish as to use his unconventional arsenal when a U.N. investigating team is already in the country collecting evidence on past use of chemical weapons? Well, Assad is not a fool: The purpose of waging an attack under the watchful eyes of the U.N. is to show his adversaries that the international community, the Europeans, and even the Americans are not going to help them, no matter what. Assad’s message to the rebels is: In spite of their moral posturing, their stern admonitions, even their revulsion and horror at watching children paralyzed by nerve agents, your Western friends won’t help you. Indeed, they are so craven, so eager for a reason to do nothing, they will suggest that the chemical attack was perhaps a ploy—that to get them to enter the war on your side, you killed your own children.

There’s also a military logic at work in Assad’s chemical attack last week. For months, the regime has been shelling these neighborhoods northeast of Damascus, explains Tony Badran, research fellow at the Foundation for Defense of Democracies. “But every time the regime tries to enter—armored units or infantry—they’re repelled by rebel fighters. Last week’s attacks, and these areas were [also] subjected to chemical weapons attacks in the spring, are intended to disrupt rebel defenses.”

There’s a strategic purpose, too. “These neighborhoods are not far from Mt. Qassioun,” says Badran, “which is the military’s center of gravity. It’s not just a military base, but also high ground from which the regime can easily fire on the rebels.” Moreover, Badran explains, “the neighborhoods attacked last week overlook the Damascus-Homs highway, which is one of the regime’s main communications lines. A little further northeast is an airport in Dumayr where the regime is supplied by direct flights from Iran. Therefore, it’s essential Assad establish control over this strategic territory.”

Assad has no reason to fear escalating against the rebels because the actor most capable of ending the regime’s 40-year reign of terror won’t lift a finger. Sure, the United States could destroy the Syrian Air Force, as Obama’s chairman of the Joint Chiefs of Staff, General Martin Dempsey, explained in a letter to congressman Eliot Engel. “The use of U.S. military force can change the balance of power,” wrote Dempsey, “but it cannot resolve the underlying and historic ethnic, religious and tribal issues that are fueling this conflict.”

So, according to the Obama-Dempsey doctrine, if all the “historic ethnic, religious and tribal issues” that are fueling a conflict can’t be resolved, there’s no point in doing anything. The Obama-Dempsey doctrine would have meant doing nothing in the 1990s in the Balkans. It would have meant—it did mean—doing nothing in the 1930s. It will always be an excuse for doing nothing.

The odd thing is, in saying we shouldn’t do anything, Dempsey would seem to be contradicting Obama’s policy. After all, to enforce his red line over the use of chemical weapons, Obama decided two months ago to send arms to the Syrian rebels. At least that’s what administration officials led everyone to believe back in June, with their many leaks to that effect. Sure, when he rolled out the new policy in a conference call with reporters, Obama aide Ben Rhodes didn’t precisely say the administration was sending arms. In fact when reporters pressed him repeatedly for



In the aftermath of the deadly gas attack northeast of Damascus

details, he avoided specifics. He would not give an “inventory” of the items destined for the rebels, Rhodes said. But he sure left the impression that the White House was now sending arms. Same with the president himself when he went on the *Charlie Rose* show and discussed his new Syria policy—no specifics, Charlie, but, well, you know.

Same last week when State Department spokesperson Jen Psaki was asked about red lines. In a press conference after the attack, she said she didn’t want to have a “debate or conversation about red lines.” “Let’s not talk about red today,” she joked. When pushed further by reporters about arms to the rebels, she read from the administration’s script: “I’m not going to outline for you what—a laundry list of what we’re doing. But we’ve talked about it in the past, we’ve talked about why we can’t talk about it in the past.”

Looking through the fog of doubletalk, the reality is that the rebels are getting no arms from the United States. Dempsey admitted as much in his letter to Engel: “We continue to deliver humanitarian and security assistance to Syria’s neighbors,” wrote Dempsey, “as well as non-lethal assistance to the opposition.” Rebel leaders have said the same for two months; there is no lethal military aid coming from Washington. The administration simply has used the press as part of an information campaign to obscure the fact that Obama is not enforcing his red line—if indeed he ever really had one to begin with.

More than two years after Obama first demanded that Assad step aside, the United States is now facing a unique moment in its long history of involvement in the Middle East. What makes it unprecedented is less the violent furies raging across the region than the fact the commander in chief has to an unprecedented degree weakened America’s hand and sullied America’s reputation. With all his empty talk, the president who says he does not bluff has made America’s word cheap.

—Lee Smith

Lawlessness in the Executive

As was quite clear at the time, the biggest mistake that Mitt Romney’s campaign made in 2012 was not aggressively attacking Obamacare. What may well have been its second-biggest mistake, however, was less noticed: the striking silence in the face of President Obama’s announcement that he would no longer deport illegal immigrants under 30 years of age.

This was pure lawlessness, even by the president’s own

earlier admission. When asked at a spring 2011 Univision town hall why he didn’t simply stop the deportation of young illegals via executive order, Obama replied,

With respect to the notion that I can just suspend deportations through executive order, that’s just not the case, because there are laws on the books. . . . Congress passes the law. The executive branch’s job is to enforce and implement those laws. . . . There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as president.

Yet five months before the election, the Obama administration announced that it would no longer deport most illegals under the age of 30 who had entered the United States before adulthood. The main sound emanating from the Romney campaign: crickets.

The Romney camp’s decision to ignore this brazen move was a conscious calculation that, at its core, reflected a lack of faith in the American people. Team Romney thought voters would focus on the perceived merits of Obama’s new decree (which the Romney campaign believed would be popular) and wouldn’t much care that Obama was ignoring the Constitution and violating his oath of office. This miscalculation helped cost Romney the election and emboldened Obama in his lawlessness. But Republicans make similar mistakes on a regular basis, failing to trust in Americans’ devotion to the Constitution and the rule of law.

In truth, Americans do support and believe in the law. A century ago, Woodrow Wilson tried to convince his countrymen that the Founders had gotten it wrong; that the powers of government shouldn’t be separated and checked but rather “coordinated” and “synthesi[z]ed,” enabling government to “act with straightforward and unquestionable power, . . . choosing its policies and making good its authority, like a single organism.” After all, he said, “we shall remain a nation only by obeying leaders.”

This is clearly Barack Obama’s view. But one can say with almost equal certainty that it is *not* the view of the American people, who were never won over by Wilson’s argument. Republicans would do well to highlight and condemn Obama’s lawlessness, which is largely unprecedented and threatens our constitutional order. They should channel the spirit of Thomas Paine, who wrote, “as in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other.” Unfortunately, this has not been the case under Obama.

Shortly before July 4, Obama unilaterally suspended for a year Obamacare’s employer mandate—its requirement that most businesses provide government-sanctioned health insurance. In refusing to execute this part of the

law (which, according to the statute itself, “shall apply to months beginning after December 31, 2013”), Obama invited the question of whether a future Republican president could simply refuse to enforce, say, Obamacare’s exchange-subsidy provisions (which, by law, “shall apply to taxable years ending after December 31, 2013”). Asked whether his successor could “pick and choose whether they’ll implement your law and keep it in place,” Obama offered an astonishing reply: “I didn’t simply choose to delay this on my own. This was in consultation with businesses all across the country.” Apparently, Obama has rewritten Article II of the Constitution; henceforth the president shall take care that the Laws be faithfully executed unless he and some businessmen decide differently. As a Tammany machine politician famously said, “What’s the Constitution among friends?”

When the House of Representatives proposed legislation later in July to delay Obamacare’s employer mandate by law, in the wake of Obama’s decision to delay it by executive fiat, the Obama White House called the legislation “unnecessary” and promised Obama would veto it. Republicans were nevertheless joined by 35 Democrats in passing that legislation through the House. Several weeks later, Obama—as if having forgotten this initiative—declared that, in “a normal political environment,” he could easily have gotten the House to pass legislation delaying the employer mandate, but “we’re not in a normal political atmosphere,” so he had no choice but to act unilaterally.

After congressional members of both parties denounced Obama’s claim that the president possesses unilateral authority to suspend the law, Obama told the *New York Times*, “[I]f Congress thinks that what I’ve done is inappropriate or wrong in some fashion, they’re free to make that case. . . . But ultimately, I’m not concerned about their opinions—very few of them, by the way, are lawyers, much less constitutional lawyers.”

This is hardly the only extralegal action that Obama, a former part-time constitutional law lecturer, has taken as he tries to boost the flagging prospects of his signature legislation. In an effort to keep insurance costs from rising even more than they are already rising under Obamacare, he suspended the legislation’s mandated caps on out-of-pocket health costs. He also unilaterally suspended the law’s income-verification requirements for its state-based exchanges, which means that massive quantities of taxpayer-funded subsidies will now flow out based on the “honor system.” Meanwhile, the plain text of Obamacare says such subsidies cannot flow through its federally run exchanges (only through its state-run ones), but Obama is ignoring this legal limitation and proceeding as if it didn’t exist. Obamacare also doesn’t provide exchange subsidies for those making over \$100,000 a year—but Obama personally (and successfully) lobbied the Office of Personnel Management to rule, contrary to the legislative

text, that such subsidies can now flow to a certain subset of those making six figures: those working in Congress.

Obama’s lawlessness has not been limited to immigration and Obamacare. After seeking U.N. rather than congressional authorization to intervene in Libya, he overtly violated the War Powers Act. Offering no pretense that the act is unconstitutional—the only reasonably justifiable basis for ignoring it—he refused to obey the 60-day deadline for gaining congressional authorization for continued use of the armed forces. As ABC News reported at the time, “Experts say this is the first time an American president has defied the War Powers Resolution’s deadline for participation in combat operations without any concurrent steps by Congress to fund or otherwise authorize the role.”

On another front, in an effort to circumvent the advice-and-consent role of the Senate (which was—and is—controlled by his own party), Obama made three “recess” appointments to the National Labor Relations Board (NLRB) while the Senate was in session. A federal appellate court declared the appointments unconstitutional on the basis that recess appointments must be made during recesses. Obama’s press secretary Jay Carney, amazingly, said the decision “does not have any impact.” With the White House’s blessing, the illegally constituted NLRB has continued to issue rulings as if the court’s decision had never been rendered.

Obama has also ignored the mid-1990s welfare-reform law, allowing states to strip the “work” out of workfare; has refused to enforce federal marijuana laws; has neglected—in the wake of the revelation that his economic “stimulus” was costing taxpayers \$278,000 per job—to release timely reports in the manner that’s mandated by the text of the “stimulus” legislation; and has failed to meet more than half of the legal deadlines specified in Obamacare.

So how exactly can “a government of laws and not of men” work if the chief executive refuses to fulfill his constitutional duty to “take Care that the Laws be faithfully executed”?

Two years after the death of James Madison (the last surviving Constitutional Convention delegate), a young Abraham Lincoln preached steadfast regard for the law and warned his fellow countrymen to beware of leaders who might use lawless means to achieve their ends. Lincoln argued that “the history of the world tells us” that “supporting and maintaining [a constitutional] edifice that has been erected by others” will not satisfy certain “men of ambition and talents” as they “seek the gratification of their ruling passion.” When encountering such threats, Lincoln said, the solution is to rely on the people—specifically on their “general intelligence,” “sound morality,” and “reverence for the constitution and laws.”

Republicans should heed Lincoln’s advice: They should defend the rule of law and trust the American people.

—Jeffrey H. Anderson

Our Document

No. 1

Perhaps inspired by the Searchers' great 1964 hit "Love Potion No. 9," the Chinese Communist party seems to be rallying behind "Document No. 9." As the *New York Times* reported last week, a memorandum with that title issued forth in April from a party office. While the wisdom of Documents Nos. 1-8 is lost in the mists of time, Document No. 9 has, in the months since its appearance, been read aloud to senior party cadres throughout China.

The full text hasn't been made public, but the memo apparently enumerates "seven subversive currents coursing through Chinese society." The Chinese rulers are intelligent and experienced enemies of liberty. What are they worried about? Among other perils, the spread of Western notions of free markets, human rights, media independence, civic participation, and frank criticism of the ruling party. But No. 1 on the list is "Western constitutional democracy."

The rulers of China are right to be alarmed. Their dictatorship is less stable than it appears. The idea of constitutional democracy is indeed subversive of a regime that now depends for its legitimacy solely on ever-rising living standards. What happens when—as surely must happen—there's an interruption in the rise?

As Gary Schmitt and James W. Ceaser pointed out in this magazine last November, there's a reason Alexis de Tocqueville's *Old Regime and the Revolution* is being studied by high-ranking officials in China: because they fear their regime could suffer the fate that the old regime in France did in 1789. As Schmitt and Ceaser explain,

In Tocqueville's account, the Old Regime in France went through two major phases. . . . In the second phase, modernizing French kings undermined the government's traditional foundations—slowly at first, but at a gathering pace. . . . This second phase is the one in which China finds itself today. . . . As Tocqueville explains—in an analysis that could easily apply to Mao's China—these successive efforts at modernization and control created "an immense empty space" between the government and the people, in which there were no intermediate institutions to allow the people's voices to be heard or to mitigate the government's control. Any remaining notion or practice of citizenship had been

squeezed out. . . . The Chinese reader will almost certainly also be alarmed at encountering Tocqueville's theory of the "revolution of rising expectations," which outlines the dangers that accompany the process of change. . . . "Every abuse that is then eliminated seems to highlight those that remain. . . . [T]he evil has decreased, it is true, but the sensitivity is greater." . . . Who in China today would not hear echoes of the French peasants' grievances as they survey their own country, a population relieved of the worst abuses of Mao's rule and used to rapidly rising incomes, but now facing an uncertain economic future while "party princelings" and their families continue to make millions through connections to the governing and party elite?

Schmitt and Ceaser's analysis would suggest that Document No. 9 is unlikely to succeed in helping China's old regime avert a fate like that of the French monarchy. But Document No. 9 can help Americans.

It can help remind us of the centrality of constitutionalism—both our formal Constitution and the broader political, social, and economic constitution of our liberal democracy—to our experiment in freedom and self-government.

The rulers of China do not like the idea of a governing document that derives its authority from We the People. The rulers of China do not

like the idea of a governing document that limits government and enumerates its powers. The rulers of China do not like the idea of a governing document that separates powers and assigns responsibility. They do not like the idea of a governing document that at once secures citizens' freedom and creates a government strong enough to govern effectively at home and abroad.

Americans are fortunate to live still under such a governing document—despite all the efforts of progressives to progress away from it. Conservatives are right to try to restore the Constitution to pride of place in our politics. It is, or should be, our Document No. 1. The Tea Party was much mocked when it made the Constitution a rallying cry, and when the Republican majority it helped produce in 2011 opened the new session of Congress by reading the Constitution on the House floor. But the Tea Party's instinct was a sound one.

Everyone knows there are disagreements between libertarian conservatives and national security conservatives, between populist conservatives and conservative elites, between Jeffersonian and Hamiltonian conservatives. But constitutionalism unites almost all conservatives. Liberals can find common ground with the rulers of China in disdaining the Constitution. Conservatives can find in the Constitution a worthy standard for our movement, and one to which our fellow citizens can be persuaded to repair.

—William Kristol



The Elder Stateswoman

Hillary Clinton wouldn't be a fresh face in the White House. **BY JAY COST**

Hillary Clinton is the prohibitive frontrunner for the Democratic nomination for president—just as she was eight years ago today. If she were to succeed this time around, what would her chances be for a general election victory? Obviously, it is far too early to reach anything approaching a definitive conclusion. Nevertheless, we can draw some basic inferences based on the career and age profiles of previous nominees for the presidency to see how Clinton stacks up.

In his groundbreaking 1966 study *Ambition and Politics*, Joseph A. Schlesinger observed that there was a fairly rigorous hierarchy to political careers in the United States. In particular, he found that certain positions offered avenues to promotion to higher positions, while others did not. For instance, one does not go from being a state legislator to president in a single shot. Rather, the pathway to the executive mansion usually comes via having been a governor, senator, vice president, or high-ranking military commander during a war. Thus, the two major-party nominees almost always have similar backgrounds. Clearly, politicians and voters tightly regulate who is, and who is not, considered a candidate for the top job.

It is not just a candidate's professional background that matters. Age is undeniably a factor as well. The average president is between the ages of 54 and 55 when he first assumes the office, while the average loser is

roughly the same age. There has been, moreover, very little deviation around these averages since 1828. All but five



presidents have been between the ages of 45 and 65 at the time of their elevation. Unsuccessful candidates for the presidency are a bit more likely to be older, but not by much.

If Hillary Clinton were to win the presidency in 2016, she would prove an exception to these rules. Her eight years in the Senate aside, her political career does not fit the normal pathways of previous presidents. Evidently, no president made a debut on the national stage as first lady. And the State Department is hardly

a path to the White House anymore. During the Jeffersonian era, serving as secretary of state was the best way to become president; but since the presidency became a popularly elected position, the department's nonpolitical nature has been a burden for candidates looking to build electoral coalitions. The last president to have served previously as secretary of state was James Buchanan. Insofar as the office has held an occupant with political ambitions of late, it has been a "consolation prize" for failed presidential nominees. In the last 100 years, John Kerry, Edmund Muskie, Charles Evans Hughes, and William Jennings Bryan all became secretary of state after losing bids for the presidency.

Whether the State position will ultimately be a feather in Clinton's cap remains to be seen. On the one hand, the apolitical nature of the job has certainly enhanced her standing with the public. She has, over the years, gotten reams of positive press for her world travels, which has boosted her favorable numbers with Republicans and the all-important bloc of independent voters. Moreover, she already had a top-flight political organization in place before she entered the job, and it can easily be rebuilt by the time of the Iowa caucus. So the nonpolitical nature of State has not been a drag on her political prospects. On the other hand, the position ties her inextricably to the Obama administration's foreign policy in general and the Benghazi fiasco in particular.

Clinton will be 69 at the 2017 inauguration, which would make her older than every previous president upon elevation except Ronald Reagan (who was about two weeks away from his 70th birthday when he was first sworn in). Will this affect her odds?

Since the country began the practice of mass-based presidential elections in approximately 1828, there have been 46 elections that featured two major-party candidates. Most of the time, their age differences

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GARY LOCKE

have been negligible, for the reasons Schlesinger hypothesized. The pathway to the presidential nomination takes skilled (and lucky) pols roughly the same amount of time. The exceptions are usually military leaders and prior aspirants, both of whom tend to be older. Military leaders (like William Henry Harrison, Zachary Taylor, and Dwight Eisenhower) tend to be victorious, while prior aspirants (like Henry Clay, Bob Dole, and Mitt Romney) tend to be unsuccessful. Clinton falls into the latter category, having tried and failed to reach the White House in 2008. Of course, Ronald Reagan is an exception to this rule, winning the presidency on his third attempt, in 1980. So is Richard Nixon.

With prior losers, it is hard to argue that age was a major factor in their final defeats. It may be instead that the qualities that kept those candidates from the White House the first time around contributed to the subsequent losses. If, for instance, Bob Dole, John McCain, and Mitt Romney had been particularly strong candidates, they should have won the party nod the first time they attempted to gain it, when their ages were closer to the historical average. Of course, the same goes for Clinton. She lost to Barack Obama despite massive fundraising, the strong backing (at least initially) of Democratic elites, and universal name recognition. So here is another count against Clinton's chances—whether her age will be an impediment directly or merely an indication of other impediments she faces.

Electoral battles in which one candidate is over 60 regularly feature a significant age gap between the two major-party nominees. That is what we might see in 2016. Many of Clinton's would-be opponents (Paul Ryan, Marco Rubio, Scott Walker, Chris Christie, and others) are more than 10 years younger than she. Historically speaking, the younger candidates have the edge in such battles, winning 6 out of the 10 matchups. Once again, Ronald Reagan is a notable exception, having twice won the presidency over the age of 65 against substantially younger challengers.

What's more, the 2016 matchup is likely to feature an inversion of recent trends. Ever since Thomas Dewey's unsuccessful bid for the presidency in 1948, Democratic nominees have on average been about a decade younger than their Republican opponents. In many cases, the difference has been upwards of 20 years; in fact, not once in 61 years has a Republican nominee been more than 5 years younger than the Democrat. Little wonder, perhaps, that Democrats have been dominating the youth vote of late. But a Rubio-Clinton matchup, a Ryan-Clinton matchup, or a Walker-Clinton matchup would flip that on its head. The age gap in those contests would be 20 years or more, with the GOP on the younger side of the ledger for a change.

If the GOP does field a younger candidate, look for the party to run the youthful, time-for-change campaign

that Democrats JFK, Jimmy Carter, Bill Clinton, and Barack Obama all ran. In the postwar era, this has been an enormously successful angle by which to pursue the presidency. One could very easily imagine it working against Clinton, who by that point would have been a prominent player on the national political scene for almost 25 years.

In that regard, a Clinton candidacy would surely be unique. While some presidential candidates had political careers in Washington that lasted that long, she would be the first candidate since William Henry Harrison in 1841 to assume the presidency after a quarter-century of being a household name. That might turn out to be Clinton's biggest weakness. If the country desires a course correction in three years, it will be tough for Hillary Clinton to argue that she can bring it about. ♦

How to Fight Obamacare

The Republican leadership leans toward delay rather than defund. **BY STEPHEN F. HAYES**

One question, more than any other, will determine the shape of the national political discussion over the next several months: Will Republican leaders make Obamacare a central part of the coming negotiations over funding the government and raising the debt ceiling?

At the beginning of the summer, that prospect seemed unlikely. House speaker John Boehner worried that linking Obamacare to either a continuing resolution or the debt ceiling was a risky strategy that could backfire. Senate minority leader Mitch McConnell shared those concerns and, along with others on his leadership team,

preferred an approach to the coming discussions that prioritized reform of existing entitlements. But as members of Congress prepare to return to Washington for the fall, there are growing indications that Republicans intend to keep the president's troubled health care reforms center stage.

There is little enthusiasm among Republican leaders on Capitol Hill for the campaign, led most publicly by Senator Ted Cruz, to defund parts of Obamacare in the continuing resolution that would fund the government beginning October 1. But GOP leaders are actively considering tying any hike in the debt ceiling to a delay of all or parts of Obamacare.

In a call Thursday night with Republican members of the House,

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Boehner and Majority Leader Eric Cantor both argued that Republicans have more leverage on the debt ceiling than on the short-term government funding measure. Boehner included “stopping or delaying Obamacare” as one of the leverage points for Republicans, along with pro-growth tax reform, the Keystone pipeline, and broader entitlement reform. Before the call, sources said that Boehner was warming to the idea of tying Obamacare to the debt ceiling. Rather than defunding Obamacare through the continuing resolution, one House leadership source says, “there is a growing sense that the more effective route would be using the debt limit and sequestration to achieve targeted strikes on the law, such as delays of various components.”

The same is true on the Senate side. In an editorial meeting with *THE WEEKLY STANDARD* on August 2, McConnell wouldn’t endorse any particular strategy on the fall budget and debt ceiling negotiations, but made clear that he’s open to including Obamacare in those talks.

“We could end up doing exactly what you’re talking about,” McConnell said in response to a question on tying a debt ceiling increase to a delay of Obamacare. “It’ll be an interesting test. The American people are on our side. Some House Democrats are on our side, too. That may be where we end up. What I don’t want to do is tell you there’s some final strategy here.”

He added: “I’d like to get something consistent with Republican principles out of this leverage that we now have on spending reductions, and Obamacare would be a great place to start.”

The shift in thinking comes largely because of Obamacare-related developments over the past two months, including: the administration’s decision to delay implementation of the employer mandate; House votes to delay the employer and individual mandates, which passed with support from 35 and 22 Democrats, respectively; the increasingly vocal opposition to the law from former supporters, including elected Democrats and top labor leaders; and a steady stream of

news reports highlighting the chaos almost certain to result from an attempt to implement the reforms on schedule.

There is little doubt that the effort by some conservatives to enlist support for defunding Obamacare is also a factor. In late July, Cruz coauthored a letter with senators Mike Lee and Marco Rubio vowing to vote against any continuing resolution that included funds for Obamacare. McConnell’s office discouraged this undertaking, but 10 of their colleagues, including John Thune, the third-ranking GOP leader, signed the letter. Last week, Senator Pat Roberts of Kansas added his name.



In the House, Representative Mark Meadows, a Republican from North Carolina, led a similar effort. Sixty-six of his colleagues signed his letter, which differs from the Senate version in one important respect. The Meadows letter expresses support for defunding Obamacare but does not obligate signatories to vote against any continuing resolution that funds the reforms. By late August, that letter had been signed by a third of the Republicans in the House (79).

Meadows says he would back an attempt to delay the implementation of Obamacare by linking it to a debt ceiling hike. “I’ve gone out of my way to say this is one strategy and about 80 of us believe in it, but I’m open to others. Leadership has a concern, as do I—they don’t want side effects that would hurt people, and a government shutdown could do that,” he says. “It’s overwhelming in my town halls—they’re

saying we’ve got to do something, we’ve got to stop this, whether it’s [my] strategy or another one.”

The case for including Obamacare in upcoming budget and debt negotiations is strong. The law is in trouble. The White House understands this. The president can pretend, as he did in his weekly address last week, that it’s just Republicans pointing out the mounting challenges to the reforms. It’s not. Those responsible for implementing various elements of the law are worried, too. Some of them—including officials at HHS, Treasury, and the IRS—have said so in meetings with stakeholders who are trying to shape the regulations flowing from the law. And it was the Obama administration that announced the delay in the implementation of the employer mandate. There are other parts of the law that ought to be delayed, too.

Republicans quickly, and wisely, pointed out that delaying the employer mandate without a similar respite for individuals would be both illogical and unfair. Many others, including editorialists at Obama’s hometown newspaper, echoed those sentiments.

In some respects, including Obamacare in the negotiations this fall is a fight Republicans win just by having it. Much of the reporting out of Washington in coming weeks will focus on the struggle over the budget and the debt ceiling. By adding Obamacare to that debate, Republicans will force the White House—and vulnerable Democrats in Congress—to defend the law at precisely the time they’d like to avoid it. Even if Republicans “lose” in this scenario—if Obama refuses to consider delaying any more of Obamacare—at a minimum they will have bought leverage for other parts of the negotiation and provided voters with a clear reminder of who owns the coming chaos.

Representative Jim Jordan, a leading voice of House conservatives who has signed the Meadows letter, says Obamacare has to be part of the budget and debt negotiations this fall. “Of course we have to address it,” he says. “I’m open to any strategy that gets us there.” ♦

You Can Go Home Again

What's so awful about living with one's parents?

BY EVE TUSHNET

A few years ago I was getting a ride home from a party with a guy in his early twenties. I lived in a gentrified neighborhood I could no longer pretend to afford, and he lived, it emerged, with his parents. "Good for you," I said. "I think that's great."

We hit a stoplight and he turned to look at me. "Do you?" he asked, with a sudden edge of cynicism in his voice. "Do you *really*?" I could hear what he was thinking: *I guess you're trying to be nice or whatever, but nobody thinks it's "great" when a guy—who should be a man—lives with Mommy and Daddy.* One of us was making a foolish choice that was destroying her savings, but the more frugal one bore the weight of societal stigma.

The proportion of young adults (aged 18 to 31) who live with one or both parents stayed basically the same between 1968, the earliest year for which we have data, and 2007. What proportion was normal for those four decades? About a third, 32 percent. A recent Pew Research report found that in 2012 that number had risen to 36 percent, a noticeable increase but not necessarily a sign of social crisis—especially not when you consider that college students living in dorms are still counted as "living with their parents," and college enrollment has been rising since 2007 as well. More men than women live with Mom and/or Dad, which might seem like an effect of the ongoing "mancession"—in which men's labor-force participation has plummeted—but men have been more likely to live with their parents as adults since at least 1968, partly

because men typically marry later than women. In fact, the gender gap was greater in 1968 than today.

Americans believe that adults who live with their parents have "failed to launch"; man-boys spend their days playing World of Warcraft while Mom does their laundry. This narrative is persuasive in part because many of the trends driving the increase in "returning to the nest" are bad, so returning is correlated with bad things, like unemployment and underemployment. If you see an unemployed young adult living with his parents, maybe he's living with them because he's unemployed—or maybe his unemployment and his living situation have a common cause, which is that he's an immature loser.

And living with your parents can make it harder to grow up. There's less pressure to take responsibility for yourself, and pressure often forces us past what we believe to be our limitations. A 2008 study interviewing young adults who lived at home found that few contributed financially to the household or did chores. One young woman explained, "I was excited to have my mother to cook for me, and always having a full refrigerator."

These attitudes are by no means universal (and the study itself wasn't intended to be representative), as some young adults paid rent and utilities even against their parents' wishes. And part of the problem in stigmatizing "returning to the nest" is that the category lumps together a huge range of circumstances. A 2011 study found that older "parental co-residers" (those who live with their parents after age 27) were likelier to be disabled, and so were their parents; the parents were

also more likely to be single—never married, divorced, or widowed. This paints a different picture, of families with limited resources banding together to get through tough times.

Given the powerful trends of rising part-time work and job instability, rising university attendance, and delayed or disappearing marriage, I don't think there's much reason to believe that the modest rise in living at home is the result of some sudden onslaught of millennial laziness or unwillingness to start at the bottom of the career ladder.

In fact, starting your adult life in your parents' home was not historically stigmatized, precisely because it offered young adults an oasis of stability in a chaotic economy. The economic journalist Megan McArdle writes,

My grandfather worked as a grocery boy until he was 26, in the depths of the Great Depression. For six years, he supported a wife on that salary—and no, it's not because You Used To Be Able To Support A Family On A Grocery Boy's Wages Until These Republicans Ruined Everything. He and my grandmother moved into a room in his parents' home, cut a hole through the wall for their stovepipe and set up housekeeping. They got married on Thanksgiving, because that was the only day he could get off.

Two huge differences between the Depression era and today leap out from McArdle's account. One is the sense that what her grandparents did was normal, not shameful. But the other is that they did it as young marrieds. This is perhaps the biggest negative effect of living at home these days: It postpones marriage and, in many cases, childbearing. Today, young adults believe that they can't get married—that it's *wrong* to get married—before they've achieved economic independence. For reasons that can be crudely summarized as "terror of divorce," young adults believe that it's only morally acceptable to get married once you've undergone an extensive period of finding yourself and attaining financial stability.

The belief that young adults *must* be able to live independently before they can marry is new, and it's damaging.

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At the pregnancy center where I volunteer, about half of the women intend to marry their children's father eventually. What are they waiting for? A steady job, an escape from welfare and charity, a sense of financial solid ground. But if a woman names one specific goal she must attain before she can marry, 9 times out of 10 that goal is an apartment of her own: moving out from under Mom's roof. So she puts her name on the years-long waiting list for Section 8 subsidized housing, and she applies for yet another part-time job, and she goes back to community college, and she hopes that her relationship with her baby's father will survive. Without marriage, it usually doesn't.

Almost every form of dependence is stigmatized in America's individualist culture. This particular form of dependence has also been redefined to be as individualist as possible (you can't marry *and* you're not expected to care for your parents) and then shamed both for its dependence and for its narcissism. But the stigma hasn't worked. Everybody doing it feels it to be shameful, yet the shame has not made us do it less. Expecting and then *honoring* mutual dependence might be a better option.

Shortly after that awkward car ride, I finally left my fancified neighborhood. I was older than most "boomerang kids," but like many of them I was single and dealing with personal problems—I'd gotten sober a few months earlier and desperately wanted a break from the surroundings in which I'd done my worst drinking—and I fled back home seeking both financial and emotional relief. I paid no rent and did exactly one chore, cleaning the catbox, so I *am* the problem. But I also exemplified "returning to the nest" as a useful adaptive strategy: Six months later I moved out, much improved in both spirit and bank account. This is one way the boomerang story ends well. But it would be an equally happy ending, although more radically challenging to American norms of independence, if I had remained at home and begun to make real household contributions of money and care. ♦

And Baby Makes Four

Is it ethical to make three-parent babies?

BY BRENDAN P. FOHT

The decision by the British government earlier this summer to approve a suite of new technologies that would make possible the creation of human embryos with three genetic parents has brought a long-simmering and seemingly obscure bioethical debate into the public eye, raising questions not only about the future of human reproductive technologies but also about some practices that have been with us for decades.



The British decision followed recommendations from the country's Human Fertilisation and Embryology Authority in March of this year and a major bioethics report cautiously endorsing the techniques last year. The debate has muddled the lines between left and right. Liberal groups like the Center for Genetics and Society strongly oppose the new technologies, while some liberal bioethicists like Arthur Caplan have said the new techniques are "worth the ethical risk."

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Conservative bioethics commentator Wesley J. Smith, a frequent contributor to these pages, has argued that the new technologies are unethical, while the editors of *Real Clear Science*, who are scourges of the "antiscientific left," have endorsed the new technologies.

The techniques in question involve transplanting the chromosomes from a single-cell embryo or from an unfertilized egg into a donor egg or embryo from which the chromosomes have been removed. These procedures were developed with a therapeutic intention: They would allow women with mitochondrial disorders to have children who will not inherit those disorders. (Mutations in the mitochondrial DNA can cause a host of serious illnesses.) Unlike in egg or embryo donation, which are methods widely used at in vitro fertilization clinics and would

prevent the transmission of these disorders, the children created through the new techniques would be genetically related to the women undergoing the procedure, having inherited her nuclear DNA but not her mitochondrial DNA. What has been most controversial about these techniques is that they would create embryos with *three* genetic parents: The embryos would inherit chromosomes from one mother and one father, but would also inherit mitochondrial DNA (which contains a small number of additional genes) from the donated embryo or egg cell.

Before focusing on the three-parent issue, let us first look at other

objections that have been raised. As Alex Berezow of *Real Clear Science* notes, some critics “worry about the ethics of destroying embryos,” since one of the new techniques involves the destruction of embryos. But he dismisses this concern by pointing out that “standard IVF also destroys embryos,” which is, unfortunately, all too often true, though this new way of making babies would destroy embryos in a different way from the usual practice of IVF.

The new embryo-destructive technique, known as “pronuclear transfer,” involves an early-stage embryo—one in which the chromosomes from the egg and sperm have not yet joined together in a single nucleus. The pronuclei are extracted, destroying that embryo. The extracted genetic material is then transferred into another, similarly enucleated (and thus destroyed) embryo, but one that was created using a donated egg, thereby creating a new embryo that contains the chromosomes of the man and woman who intend to become parents, as well as the mitochondrial DNA of the egg donor. The destruction of embryos in ordinary IVF results from the discarding of “excess” embryos, or of embryos deemed genetically defective following screening tests. This new technique would be the first assisted-reproductive technology involving the deliberate destruction of human embryos as a necessary part of the procedure.

Berezow is of course correct that countless human embryos are destroyed on a regular basis as a result of the way IVF is practiced in the United States today. That might also lead us to ask whether we have been right to tolerate the cavalier destruction of embryos as just part of the way the U.S. IVF industry does business. Indeed, ordinary IVF *could* be practiced in a way that would not result in the destruction of human embryos; in Germany, for instance, it is illegal to create “excess” embryos during IVF treatments.

Another objection to these new techniques relates to the risks they will pose to the created children. While there have been a few preliminary

studies, the risks are still poorly understood. Against these critics, Berezow writes that “a mother with a mitochondrial disease who wishes to have her own children may very well choose to accept the risk.” Indeed she may, but the child born through this experimental procedure is obviously in no position to accept the risk.

There is one other frequently raised objection to these technologies that seems misguided, namely, that they are a form of “genetic engineering” or, as bioethicist Margaret Somerville put it in a column for the *Ottawa Citizen*, that they would be a form of *inheritable* genetic engineering. Children

Ordinary in vitro fertilization could be practiced in a way that would not result in the destruction of human embryos; in Germany, for instance, it is illegal to create ‘excess’ embryos during IVF treatments.

who are created using these methods would pass their modified genes on to their children. Rather than worrying about whether using a new technology might give future generations different genetic characteristics than they would otherwise have inherited, we should be concerned about the way genetic engineering can alter the *relationship between the generations* from one of parents accepting the novelty and spontaneous uniqueness of their children to one where parents use biotechnology to choose and control the biological nature of their children.

That said, it is far from clear that these new techniques enable such morally problematic technological mastery. In a debate held earlier this year on whether genetic engineering should be prohibited, Duke law professor Nita Farahany argued that these new techniques will not lead “to a dystopia of designing perfect babies,” emphasizing that they would simply prevent the transmission of various disease-causing

genes to give parents healthy children. The aim of giving parents babies that are genetically related to them but free of debilitating heritable diseases is perfectly understandable, and not one that should be confused with the morally twisted aims of eugenics or of the specter of “designer babies.”

Ironically, Farahany’s opponents in the debate, who argued that genetic engineering should be prohibited, pointed to pre-implantation genetic diagnosis (PGD) as a morally acceptable alternative. PGD allows doctors and parents to test embryos prior to implanting them, allowing them to select those with the “best” genes. For the most part, PGD aims simply to give parents children who are healthy, rather than perfectly designed. But PGD can also be used to select for any number of genetic traits, and is often used to select the sex of the embryo, a clear case of using technology to control important biological characteristics of the next generation.

And even beyond technologies like PGD, some forms of genetic control are already exercised through existing reproductive technologies and practices, such as finding and paying young women with high SAT scores for their eggs. But the fact that our society already engages in forms of genetic control that are arguably more serious and problematic than what these new procedures would offer does not, of course, justify embarking on these experimental reproductive technologies. Rather, the prospect of genetic engineering that these new ways of manipulating embryos and their DNA raise helps us to see what is morally problematic in the existing technologies.

Let’s return to the most shocking aspect of these techniques, the fact that they create children with three parents. Defenders may say we already do something similar with egg and embryo donation or in surrogacy arrangements. In these cases, the child has a genetic mother and a genetic father but also a *gestational* mother, who carries the child to term but is not genetically related. But

even though gestation is not a form of genetic parenthood, it is hard to deny that being pregnant for nine months creates an important biological, not to say emotional and personal, tie with the child.

Again, it would seem that we have come to accept arrangements that split apart the various biological and social aspects of parenthood, and that deliberately create families where children will never know one or both of their genetic parents. But do these practices justify carving up parenthood into even finer parts with these new methods that create three-parent embryos?

Perhaps the disquiet we feel when we hear about the creation of embryos with three parents should lead us to reconsider whether these other technological distortions were morally justifiable in the first place. Evidence collected in a 2010 report from the Institute for American Values suggests that donor-conceived children may experience serious emotional suffering as a result of the circumstances of their conception and the confusion surrounding their identity.

A common rhetorical strategy for defending controversial new biotechnologies is to point out that there are plenty of things we already do that are morally problematic and to argue that, for the sake of consistency, we should accept the new technology as well. Consistency is obviously important, but we should strive to be consistently good, not consistently base, and we should not assume that our horror at something new is ill-founded simply because we realize that what we find horrible is already all around us.

The repugnance that we feel when we contemplate new biotechnologies that violate the natural order of the family may indeed be, as Leon Kass famously argued, a source of deep wisdom that can help guide us through the possibilities that the future has in store. As we consider the mixed blessings of the biotechnology project that society has already grown to accept, we should reflect on how our reactions to what seems shocking and new can bring renewed clarity to the moral meaning of what has become all too familiar. ♦

Alexei Navalny Versus the Kremlin

The high-stakes election for mayor of Moscow.

BY CATHY YOUNG & VICTOR DAVIDOFF



Alexei Navalny speaks to voters, July 31.

Visiting Moscow today, you'd never know that the city is less than a month away from a mayoral election, scheduled for September 8. There are hardly any campaign posters or billboards (you're far more likely to see the face of Bruce Willis than that of any candidate) and only scant campaign ads on radio and television. And yet the mayoral race is a genuine political fight—one whose outcome will affect not only the capital but the entire country. Given Moscow's unique status in Russia's political life, changes here resonate quickly in other

regions. The 1990 election of opposition candidate and Boris Yeltsin ally Gavriil Popov as mayor of Moscow was a key moment in the mostly peaceful revolution that brought down the USSR the following year.

When Vladimir Putin built his new political order—the top-down power structure known as the *vertikal*—he was well aware of the threat posed by local elections, which wouldn't necessarily go the Kremlin's way. So he abolished the popular election of governors of provinces and mayors of major cities in 2004 and replaced it with presidential appointment. Moscow's current mayor, former Communist party apparatchik Sergei Sobyannin, was appointed in October 2010 after 18 years of the corrupt and authoritarian rule of Yuri Luzhkov, removed from his post after a falling-

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out with the Kremlin. Sobyenin's tenure has brought no positive change to the city and its more than 12 million residents. Municipal government is inefficient and utterly lacking in transparency, with zero accountability to the public; the cost of living keeps rising, largely as a result of corruption, which is widely believed to consume nearly a third of the city budget.

Early in 2012, faced with popular discontent and mass demonstrations, Putin brought back gubernatorial and mayoral elections as a concession to the opposition. Now, Sobyenin, a career bureaucrat, is forced to step into the role of a politician facing the voters. His challengers consist of four candidates from the Kremlin's tame "opposition" including the Communist party—and a real opposition candidate who represents the forces of democratic change, Alexei Navalny.

The son of a Soviet Army officer, 37-year-old Navalny has a double degree in law and economics, and in 2010, he spent six months studying at Yale as part of the Yale World Fellows Program. He had been on the Russian political scene for a while as an anti-corruption blogger before skyrocketing to fame, and to a major role in mainstream democratic activism, in the last two years.

The secret of Navalny's success is that the issue he chose as his focus—corruption—has huge political and emotional resonance for Russians from all walks of life, from blue-collar workers to bankers. He first gained visibility by exposing fraudulent schemes in state-controlled corporations such as the Rosneft oil monopoly and the VTB bank, then went after Russian senators and members of parliament who owned undeclared real estate abroad (causing the resignation of Duma ethics commission chairman Vladimir Pekhtin over his three properties in Florida). Navalny's Anti-Corruption Foundation attracted the support of a number of Russian entrepreneurs and business executives—those who couldn't or wouldn't play by the rules of the corrupt bureaucracy.

Then, in late 2011, Putin announced his planned comeback

as president, followed by reports of vote-rigging in the Duma elections. Navalny, who was able to mobilize large numbers of people through his online following, emerged as a leader of the reborn protest movement. His arrest in December of that year for "obstructing traffic" during an unsanctioned rally, followed by a 15-day jail sentence, only catapulted him to greater fame. He became the face of the protests, bellowing into a megaphone, "We are the power!" and urging people to rise against the "crooks and thieves" in government. "The Party of Crooks and Thieves," the nickname Navalny coined for the ruling United Russia party, caught on like wildfire.

While the liberal opposition has never been able to shake off its aura of out-of-touch elitism, Navalny has a rare ability to relate to the average Russian and speak his language. A married father of two with clean-cut good looks and a natural self-assurance—a sort of Russian version of the all-American guy—he projects the image of an ordinary man who is in politics because he wants a good life for his children.

Critics charge that Navalny's democratic populism contains a dark streak of Russian nationalism, and the Western media have picked this up. The accusation stems largely from his outspoken advocacy of curbing migration from the former Soviet republics of Central Asia—a major concern among Muscovites. Since the 1990s, migrants have been allowed visa-free entry into Russia; while they do not have work permits and private companies are forbidden to hire them, government agencies and city contractors routinely defy the ban. Moscow is currently home to nearly two million migrants, who include their share of criminals and drug traffickers. Navalny wants to tackle the issue by instituting visa requirements. His detractors accuse him of fanning xenophobia—for instance, by citing inflated statistics on migrant crime. Others point out that his statements on migration have focused primarily on bad government policy, not on migrants themselves; on her blog hosted by Echo Moskv

radio, history teacher Tamara Eidelman writes that in a recent meeting with teachers Navalny spoke sympathetically of the need to educate and acculturate migrants' children.

Navalny himself has stressed that the nationalism he espouses is one of national interest, not Russian ethnicity. His outlook is also entirely free of the West-bashing and swagger about Russia's "special path" and destiny as a great power that define Russian nationalist ideology—represented, in its mainstream form, by Putin. In a conversation on the blog of writer Boris Akunin in January 2012, Navalny wrote, "We need the state to ensure the comfort and dignity of its citizens, for the defense of their individual and collective interests. A national state is a European path of development for Russia—our own lovely, comfortable, but also strong and secure European home."

Navalny's popular appeal naturally made him the Kremlin's Public Enemy Number One. (Putin carefully avoids mentioning Navalny by name—even when fielding questions about him during his call-in TV chats—instead making snide references to unnamed "bloggers.") After a May 6, 2012, rally to protest Putin's inauguration, which resulted in some violent skirmishes with police, Navalny was arrested again and handed another 15-day sentence. But more serious trouble was on the horizon: embezzlement charges related to his work as an economic adviser to Kirov Province governor Nikita Belykh several years ago. In April 2012, the Kirov prosecutor's office dismissed those charges, finding no evidence of criminal activity; less than two months later, however, the case was reopened at the direction of the central authorities.

At the Kafkaesque, nonjury trial, the judge blocked all 13 defense witnesses from testifying and would not even allow the expert analysis presented by Navalny's attorneys to be entered into the record. Navalny was found guilty, sentenced to five years' imprisonment on July 18, and placed under arrest in the courtroom. Yet,

after the Russian stock market reacted to the verdict by registering a 1 percent drop, and some 15,000 Navalny supporters rallied near the Kremlin, the authorities unexpectedly backed down. The next day, Navalny was freed pending appeal and returned to Moscow, where he resumed campaigning.

Not surprisingly, the race has been anything but a level playing field. Navalny is blacklisted from all the major TV channels on which Sobyenin appears frequently, in the news and on talk shows. The other candidates have been given airtime for debates—without Sobyenin—on two small cable channels unknown to most Muscovites; after the first three rounds, Navalny bowed out of the fourth when it was scheduled for 8 A.M. Instead, he has been reaching out to voters through the Internet and shoe-leather campaigning, with three to five events a day. Campaign volunteers have used everything from windshield stickers and leaflets to banners hung from windows and

balconies to promote his candidacy.

The authorities have responded with legal and extralegal harassment. Banners hung by his supporters have been removed by janitors rappelling down from rooftops; cars with Navalny stickers have been vandalized, leaflets stolen. On August 14, the police made a warrantless raid on the apartment of a pro-Navalny activist and confiscated “illegal” campaign literature (that is, allegedly exceeding the quantity the campaign has officially reported). The Moscow prosecutor’s office has also filed criminal charges against the Navalny campaign for receiving contributions from abroad—which the campaign strongly denies. Ilya Milshtein, a commentator for the website Grani.ru, believes that the targeting of Navalny actually benefits him, to the point where “it’s as if the Kremlin were determined to oust Sobyenin or at least ensure a runoff.” (Another, more pessimistic prognosis is that Navalny may be disqualified from the race before the vote.)

In fact, the Navalny campaign believes that a runoff election—which must take place if no candidate receives 50 percent of the vote—would be a victory regardless of the outcome. An August 14 poll by Synovate Comcon found that 63.5 percent of “decided” voters intend to vote for Sobyenin, 20 percent for Navalny, and 16.6 percent for other candidates. Compared with data from July, this is a 15-point drop for Sobyenin and a 9-point gain for Navalny—a trend that, if it continues, bodes well for a runoff.

Even a partial victory, Navalny’s team believes, could force significant concessions from the Kremlin, including an end to media blacklisting of the opposition and to legal restrictions on opposition party activism. It might also prepare the ground for a presidential run five years from now, which Navalny says he is contemplating. Tellingly, the slogan for his mayoral campaign is “Change Russia—start with Moscow.” ♦

More Regulations, More Problems

By Thomas J. Donohue

**President and CEO
U.S. Chamber of Commerce**

Common sense dictates that the more complex a policy challenge, the simpler the rules and regulations should be. Otherwise you risk creating more problems and greater complexity than you started out with. But the administration doesn’t see it this way. At every turn, it has expanded and empowered the regulatory state. It has created a bloated bureaucracy that isn’t getting the job done. Need proof? Look no further than the Dodd-Frank Act and the Patient Protection and Affordable Care Act—sweeping overhauls of the financial regulatory and health care systems that are falling short.

The 2,319-page Dodd-Frank Act calls for more than 400 new rules across 20 different agencies, creating duplication, contradiction, and confusion. Ironically, the law that was intended to end “too big to fail” is too complex to implement. It was conceived out of anger and with a misguided—and

impossible—goal: eliminating all risk from the financial system. Three years after passage, amid missed deadlines and only 40% of the rules completed, the president convened regulators and urged them to speed things up.

The 2,400-page health care law created 159 new agencies, panels, commissions, regulatory bodies, and mandates. Some two and a half years after being signed by the president, the law has proven to be largely unworkable and an administrative nightmare. Though the administration insists that repealing the health care law would be disastrous, it has been significantly revising the law through regulatory delays, waivers, and “tweaks”—most often through dubious, unilateral action.

What adds insult to injury is that we do, in fact, need reform in each of these areas.

We need a sound financial regulatory system that will keep America’s capital markets vibrant so that businesses can grow and create jobs. But the answer is not to eliminate risk; it’s to manage it with clear,

sensible regulations. We should fix what’s broken in Dodd-Frank, address the areas that are unresolved, and replace the provisions that are unworkable. Earlier this year, the U.S. Chamber released its Fix, Add, Replace (FAR) Agenda to achieve those goals.

We need to control health care costs, expand access to coverage, and improve patient care. But the way to do it is through market-based solutions that are driven by the private sector—without government overreach. The Chamber recently issued a Health Care Solutions report to advance meaningful reform.

Though we’ll continue to work to minimize the negative impact of these laws, we can’t deny that Dodd-Frank and Obamacare have been costly, consequential lessons. Let’s hope this administration learns that when it comes to regulations, more isn’t always more.



U.S. CHAMBER OF COMMERCE
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Where Spring Was Sprung

Tunisia and its jihadists.

BY OLIVIER GUITTA

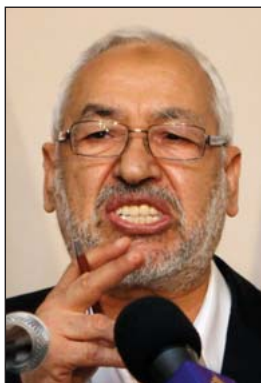
It is less than three years since the fruit vendor Mohamed Bouazizi set himself on fire in the small Tunisian town of Sidi Bouzid, sparking the events that toppled dictator Ben Ali and launched the “Arab Spring.” Now, the high hopes of those days have faded, and Tunisia is in disarray, its society deeply divided and violence flaring.

On July 25, leading opposition member of parliament Mohamed Brahmi was shot 14 times in front of his house. The assassins used the same weapon that had been used to kill another opposition figure, Chokri Belaid, in February. The families of both victims put the blame squarely on Ennahda—the Muslim Brotherhood party in power since elections in October 2011—and its founder and leader, Rachid Ghannouchi. Outrage over the killings led to violence in several towns. Increasingly, the demonstrators’ calls for Ennahda to step down are being echoed among the political elite.

Demonstrations are drawing larger and younger crowds—some 50,000 people filled the streets of Tunis on August 6, the most since the revolution—and the protesters’ signs and chants are increasingly violent and personal: “Ghannouchi is a murderer!” The police respond with brutal repression. As longtime

opposition journalist Taoufik ben Brik put it, “The post-Ennahda period has already begun. Not without Ennahda, but rather under Ennahda.”

At present, 82 of the 217 members of parliament are boycotting the assembly to protest Ennahda’s rule. One of



Rachid Ghannouchi

them, Karima Sould, said, “The assassination of one of ours has come as an electric shock. It’s now or never. [Ennahda] got us with Belaid. We won’t be had twice.” Two camps—Islamist and anti-Islamist—are facing off, and the climate of hatred is such that at any moment a spark could ignite the country. Whether Ghannouchi will learn anything from the ouster of

his “Brothers” in Egypt remains to be seen, but his hardline statements suggest he hasn’t so far.

Also unclear at this writing is what action will be taken by the UGTT, a 750,000-strong trade union (in a country of 10 million) known as “El Makina” (the machine), which plays a role in Tunisian affairs sometimes likened to that of the army in Egypt. The UGTT was the driving force behind Ben Ali’s fall and could very well take the lead in turning Ennahda out. Polls suggest that public support for Ennahda is collapsing (Gallup put approval for the party at 32 percent in May, down from 56 percent in March 2012). And the economy is in a disastrous state. On August 16, Standard & Poor’s downgraded Tunisia’s credit rating (for the second time this year) to B.

As for national security, a Tunisie

Sondage poll conducted in early August found that 65 percent of Tunisians considered the terrorist threat high, and 74 percent blamed it on Ennahda’s lenience towards jihadists. Until a recent falling out, Ennahda maintained close relations with Salafist groups, notably Ansar al Sharia. It is a member of that group, convicted terrorist Boubakeur el-Hakim, who is suspected of both high-profile assassinations this year. A French citizen who grew up in the suburbs of Paris, Hakim was convicted by a French court in 2008 of recruiting French jihadists to fight in Iraq, but he was released from prison in 2011. In addition, the Ennahda government has ceded control of dozens of mosques to jihadists, who have used them to recruit extensively.

Alaya Allani, a leading historian of Islamism and professor at Manouba University near Tunis, estimates that the number of jihadists in the country has rocketed from 800 a year ago to some 3,000-4,000 today. The Salafist wing of Ennahda has steadily reached out to jihadists for both ideological and opportunistic reasons. And the leading terrorist organization in the region, Al Qaeda in the Islamic Maghreb (AQIM), as long ago as October 2012 embraced Ennahda’s goal of implementing *sharia* in Tunisia.

Now AQIM is making its presence felt. On July 30, AQIM militants savagely murdered nine Tunisian soldiers on the Algerian-Tunisian border. Some AQIM operatives, veterans of the fight in Mali, are joining forces with Tunisian Salafists kicked out of Syria. Even though the Algeria-Tunisia border is formally closed, it is far from sealed, and Algerian extremists are helping their Tunisian counterparts manufacture IEDs. Furthermore, Algeria has refused to cooperate with the Islamist regime in Tunisia because of its Salafist elements. It took no one by surprise when a terrorist blew himself up on August 2 while building a bomb in a suburb of Tunis.

Between domestic unrest and the deliberate meddling of jihadists from abroad, Tunisia is poised for continuing and possibly explosive instability. ♦

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Conservatism on Top Down Under

Meet Tony Abbott, the likely next prime minister of Australia

BY FRED BARNES

Melbourne

Absent a stunning reversal of fortune, Tony Abbott is a good bet to be the next prime minister of Australia. He's the head of the Liberal party, which is expected to capture Parliament from the Labor party in the national election on September 7. In today's politics, Liberals are misnamed. They're actually the conservative party in Australia. So if all goes well, Abbott will become one of the world's leading conservatives.

Abbott, 55, is an aggressive partisan once described as "one of the great head-kickers of Australian politics." Karl Rove isn't his only American admirer. Abbott is a social conservative who opposes abortion, is leery of gay marriage, doesn't hide his Catholic beliefs, and even defends the monarchy.

In Australia—where the political, intellectual, and journalistic classes tend to be very secular—Abbott has been called a religious zealot, a throwback, and "anti-woman." When he dismissed same-sex marriage as "a fashion of the moment," he was dubbed a "20th-century man." That's not a compliment. Deputy Prime Minister Anthony Albanese, a Laborite, summed up the attacks on Abbott with a quip: "In your guts, you know he's nuts." It wasn't meant entirely as a joke.

Abbott insists he has no plans as prime minister to restrict abortions. Still, his view is that abortion "should be safe, legal, and rare—and I underline rare." Australia's 100,000 abortions a year, he said in a 2004 speech, are "this generation's legacy of unutterable shame."

Abbott's campaign doesn't focus on social issues. He doesn't even mention them unless asked. But social issues stalk him. Abbott recently interviewed American singer

Katy Perry on the radio. He asked when she would be touring Australia. "Oh, come on," she responded. "That's not a political question. Let's talk about gay marriage." She said voters should speak out against Abbott's position on gay marriage.

Abbott is a victim of liberal intolerance. He has suffered for his social views and religion. Covering the campaign, I heard it said that Abbott "wears his religion on his sleeve." But he does little more than acknowledge his Catholicism when that subject arises. It's often noted in press stories that Abbott studied to be a priest. He did, in his 20s, before dropping out of seminary.

A notion propagated by his critics holds that if the Liberal party—allied with the small National party in what's known as the Coalition—should win the upcoming election, it will be *despite* Abbott. If the party were led by someone without Abbott's baggage, the theory goes, it would rout Labor by a larger margin and give Liberals a lopsided majority in Parliament.

This is pure speculation. We'll never know if it's true. What we do know is

Abbott, a Rhodes scholar and ex-newspaperman, brushed aside one Labor prime minister, Julia Gillard, and has put his party in a position to defeat another, Kevin Rudd. This is no small achievement.

Nor has Abbott been unnerved by upheaval in Labor's ranks and the dramatic return of Rudd from exile. The who's up and who's down of Australian politics can be hard to follow. But in June, Rudd ousted Gillard, who had replaced him as Labor leader in 2010, to become prime minister for the second time. Gillard abruptly retired. Out of the blue, Abbott had a new and presumably more competitive opponent.

Rudd hit the ground running to the right. He outflanked Abbott on immigration, vowing that no "boat people" would be allowed into Australia. He said the carbon tax would have to go and promised reforms to end labor union



Tony Abbott campaigning in 2010

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corruption. The Australian edition of the *Spectator* said this reflected Abbott's success. To win, Rudd figured he had to be tougher than "his conservative nemesis."

And those weren't the only surprises in the candidate switch. Dumping Gillard in favor of Rudd was a desperate move by Labor to increase its chances in the election, all the more so because Rudd, 55, is heartily disliked by members of his own party. Their experience with him as prime minister from 2007 to 2010 was an unhappy one, marked by frequent clashes and Rudd's flakiness.

Laborites told me how "destructive" Rudd had been to the party as prime minister. I assumed they felt safe speaking ill of Rudd to a foreign journalist. Then I discovered they had said the same, or worse, to Australian reporters and columnists.

Yet Rudd is personally popular with the public. That's his value. He's a master of social media. He tweets to almost 1.4 million followers, texts, and posts on Facebook almost nonstop. Fluent in Mandarin, he's popular in the Chinese community. Rudd is an attention grabber. And Labor is gambling he can save them from a catastrophic defeat by appealing to younger voters and those who pay minimal attention to politics. Labor party leaders "didn't want him," says Brian Loughnane, Abbott's campaign manager. "But when the *Titanic* is going down and panic sets in and there's only one lifeboat . . ." Rudd was seen as the only alternative to certain defeat with Gillard.

Initially it seemed to work. For three years, Liberals had led Labor in polls. But with Rudd's return, Labor pulled even with Liberals, and Rudd's personal approval was roughly 20 percentage points higher than Abbott's. By the way, the media shorthand for Rudd's reentry is the "Rudds-toration." In 2007, Liberals were crushed by a "Ruddslide."

But the Rudd surge turned out to be "a Romney bounce," says Greg Sheridan of the *Australian*, the national newspaper. Like Mitt Romney's spike in polls after his first debate with President Obama, it quickly faded. As of last week, Labor trailed Liberals, 54-46 percent. Even worse, the view of Rudd as trustworthy has dropped from 73 percent to 50 percent since his return. Abbott was seen as trustworthy by 57 percent. He also had a double-digit lead over Rudd on handling the economy.

As a debater, Rudd is regarded as superior to Abbott. But he unexpectedly failed to shine in their first televised skirmish before a panel of media questioners on August 11. In his closing pitch, he made a cogent argument for how he would deal with an economy in transition. Abbott had what Geoff Kitney of the *Financial Review* called a "killer comeback." Rudd had said the same in the 2007 campaign and his plans had come to nothing, Abbott said. And they would again.

Abbott was less glib and more disciplined. He made his

few points crisply. He seized on Rudd's campaign slogan, "a new way." If you "want a new way," Abbott said, "you've got to choose a new government." He said this repeatedly. Abbott closed with this: "I am ready, my team is ready, our plans are ready, our nation is ready, and it's now up to you to choose real change."

Rudd may not be ready. His estrangement from his party would be a liability in governing. Yet that relationship may be beyond repair. When he announced the date of the election, he didn't mention Labor once. A week later, Foreign Minister Bob Carr was Rudd's stand-in at a Sydney event of the influential Australian-American Leadership Dialogue. In his speech, Carr didn't mention Rudd.

Liberals have the advantage of numbers in the election. The pickup of a single seat would give them a parliamentary majority of 76—that is, counting the seats they now hold or are held by independents from strongly Liberal districts. To form a new government, Labor must gain at least five seats, a daunting task when the momentum of the campaign is going the other way.

Australian politics is different. Liberals and Labor members of Parliament aren't pals. They don't socialize after hours. But neither are they as polarized as Republicans and Democrats. Abbott and company are less conservative than Republicans in Congress, Labor members a bit more centrist than Democrats. And while they quibble, they fundamentally agree on a balanced budget (preferably with a surplus), free trade, and a restrictionist immigration policy. They're all internationalists. They embrace ties to the United States. They split on environmental issues and labor-management relations, but not bitterly.

The parties are like the GOP and Democrats of a few decades ago, when they overlapped ideologically in the center. Perhaps a quarter of Liberals in Parliament are left of center. They're reminiscent of liberal Republicans. Labor has a right wing. When Communists dominated the left, Labor's right-wingers were strongly anti-Communist. That defined them. Also, dozens of Labor members of Parliament agree with Abbott on social issues, particularly abortion. They just don't sound off about it.

Australian election campaigns are different too. They're blessedly shorter, only five weeks from the moment the date of an election is set to voting. Endless races to nominate candidates for prime minister don't exist. The incumbent prime minister and the leader of the opposition run only in their districts, not nationally. There's no presidential race because there's no president. However, the two party leaders act during campaigns as presidential candidates. They're the central figures who meet in one-on-one TV debates.

Voting is mandatory, which means get-out-the-vote drives, like President Obama's sophisticated effort last year, are unnecessary. So are appeals to the party base. Since everyone votes, the only sensible strategy is to appeal to the center.

Here's the bad part: Some of the more unpleasant aspects of American campaigns are alive and well in Australia. Take the obsession with gaffes. Once the media discover one, they crave more. Making fun of a candidate, especially if it's someone you loathe, is fun. It's contagious. Just ask Mitt Romney.

In the second week of the campaign, Abbott said this at a Liberal rally: "No one, however smart, however well-educated, however experienced is the suppository of all wisdom." It was either a malapropism or a slip of tongue. He obviously meant "repository." That didn't matter. It was instantly designated a gaffe. Abbott, in the eyes of the media, became gaffe-prone. The dragnet to find more gaffes was on.

The next day, he was asked by a reporter what Liberal candidate Fiona Scott had in common with an earlier female candidate. "They're young, they're feisty, I think I can probably say they have a little sex appeal," he answered. The media pounced, tracking down feminists and political foes to pan Abbott as a sexist for having cited Scott's sex appeal. (Abbott is married with three daughters.)

Then came Abbott's comment about gay marriage. Spokesmen for gay organizations, plus a few Labor members of Parliament, were rounded up to criticize Abbott for the error of his ways. A few days later, Katy Perry was heard from. Abbott was unrepentant. In a second debate with Rudd last week, he suggested his party might support gay marriage some day, but he never would.

That debate prompted commentators to ask and answer their favorite post-debate question, the same here as in America: Was there a knockout blow? There wasn't. There never is. It's a dumb question. Important things happen in debates but not because a killer punch is landed. Rudd said Abbott was winning the election, a rare admission by a candidate who's behind. Rudd acted like the challenger, Abbott the confident and steady prime minister. Abbott tried a Reagan line. "Are we doing better now than we were six years ago?" It flopped.

In one respect, the Rudd-Abbott struggle is like Obama versus Romney. It's very, very negative. In Rudd's statement announcing the election, he denounced "wall to wall negativity," "negative personal politics," and "the old politics of division." Then he launched into a thinly veiled attack on Abbott. Rudd has to attack. His years as

prime minister were marked by failed policies, flip-flops, and broken promises. So he ignores his record. Abbott cites it as evidence of what three more years with Rudd at the helm would produce.

Among Rudd's targets is Rupert Murdoch, who began his media career in his native Australia and is still a political force here. Rudd charged that Murdoch is using his newspapers to help his "mate," Abbott, to win. The *Australian*, in particular, has been tough on Rudd. TV news and major papers in Sydney and Melbourne have been kinder to Rudd. Murdoch also owns newspapers in Brisbane, Sydney, Melbourne, and Adelaide.

Rudd and Abbott have no U.S. equivalents I could think of. Rudd is frenetic, always in motion. He sleeps four hours a night. He's been described as having "a baby face, a full

head of hair, a motor mouth, and a drive for power." While campaigning, he exudes charm. People are drawn to him. In personality comparisons with Abbott, he comes out ahead.

"The problem is Rudd's determination that whatever position he holds on any issue is cast as a soul-identifying question of moral absolutes," the *Australian's* Sheridan, who's known Rudd for decades, wrote. Rudd has core beliefs. "Yet, astonishingly, they keep changing," Sheridan wrote. For years, he opposed gay marriage. Now he argues for it in grave moral terms. "If the election were a referendum on political authenticity, Rudd would

lose," Sheridan said. In the *Australian* last week, columnist Janet Albrechtsen called Rudd a psychopath—of the political, not the criminal variety. The *Spectator* labeled him a "complete and utter fraud."

If Rudd is a sprinter, Abbott is a long-distance runner—indeed, he's a fitness nut who competes as a triathlete. Rudd talks. Abbott fights. One of the most riveting political battles in Parliament pitted Abbott against Gillard when she was prime minister. In 2012, Gillard claimed sexism was behind attacks on her. She and Abbott clashed when Abbott accused an appointee of "sexist and misogynist" behavior. "I will not be lectured about sexism and misogyny by this man," she fired back. "I will not." Abbott "says that people who hold sexist views and are misogynists are not appropriate for high office. Well, I hope the leader of the opposition has got a piece of paper and he is writing out his resignation."

Rudd's insistence that Abbott wants to "cut, cut, cut" government programs gives a false impression of Abbott's views. As prime minister, he would spend less than Rudd, but he's no libertarian. In the United States, he would

At a Liberal rally, Abbott said this: 'No one, however smart, however well-educated, however experienced is the suppository of all wisdom.' It was a slip of tongue. He obviously meant 'repository.'

qualify as a big government conservative. His plan to provide parental leave payments of up to \$75,000 a year dwarfs Rudd's own. But he didn't flinch when Rudd savaged his proposal in last week's debate.

What happened after the debate was revealing. Rudd zipped off to still another campaign event. Abbott lingered to chat with undecided Brisbane voters who'd been invited to question the candidates. The questions were mostly unsympathetic to Abbott. But when a straw poll was taken, he beat Rudd, 37 to 35.

For Americans, does it matter who wins the Australian election? The answer is yes, but probably not much. Bipartisan support for a strategic alliance with the United States has been a fundamental tenet of Australian politics for decades.

With its longstanding fear of an invasion, Australia regards the U.S. tie as a pillar of its defense. That won't change. And the alliance allows America to disperse its projection of power in the Pacific. The need for that won't change either. In fact, the Aussie-Yank tie was strengthened in 2011 with the establishment of a U.S. Marine base in Darwin, on Australia's North Coast, the city closest to China. The Chinese were displeased. Too bad.

American military leaders admire Australia's reliability. Since World War II, Australia has deployed troops in every American war—Korea, Vietnam, Iraq, Afghanistan. Aussie special forces played a critical role in Iraq, entering the country prior to the American invasion to destroy Scud batteries primed to unleash a missile attack on Israel. In Afghanistan, they joined efforts to kill Taliban fighters.

So what's the issue? One is the decline in defense spending by the Labor government. Gillard and Rudd are solid supporters of the alliance with the United States. They criticized the American intervention in Iraq without trying to withdraw Australian troops. Kim Beazley, the enormously popular ambassador in Washington, strongly defended President Bush and the war.

But the defense budget declined each year on Labor's watch. And Americans have begun to press for higher spending. Senator John McCain and former deputy secretary of state Richard Armitage, both major players in military affairs, have done so. On this matter, Abbott is more likely than Rudd to take their advice. But Rudd might have an advantage in dealing with the Obama administration. A brainy ex-diplomat, he's more Obama's type than the pugnacious Abbott.

As Liberal leader, Abbott would simply have a freer hand in dealing with the United States on military and other issues. His party has no anti-American wing. The Labor party does. Its left wing was once dominated by

Communists. That's no longer the case. But it is obsessed with America's influence and opposes nearly every tie to Washington, especially the ones that require Australia to provide troops. Rudd might not agree with them, but he'd have to take their views into account.

And on trade, Abbott would probably be more proactive in seeking free-trade agreements, including the Trans-Pacific Partnership Agreement now being negotiated by a dozen nations.

Australians are worried. The conference of smart people from Australia and America I attended in Sydney was off the record. But I don't think I'm violating that ground rule by saying this was the message from the Aussie side. They're worried about their economy. They're worried about national security in a region where China is big and mean. They're worried about being ignored by their most important ally. They feel alone and sometimes forgotten.

Americans roll their eyes when they hear this. After all, Australia hasn't had a recession for 21 years. Thanks to zero national debt and solvent banks, Australia escaped the Great Recession. For more than a decade, it has experienced an extraordinary mining boom, chiefly by exporting iron ore and coal to China. This has boosted the economy, enriched the country, and flooded the government with tax revenue.

A month ago, Rudd declared the "boom is over." China's growth rate is slowing, which translates into fewer resources imported from Australia. Unemployment in Australia, a mere 5.7 percent, is projected by government economists to rise to 6.2 percent in coming months.

"This election will be about who the Australian people trust to best lead them through difficult new economic challenges," Rudd said. But it's not. Neither Rudd nor Abbott has outlined a comprehensive plan for a "new" economy, and the press doesn't seem terribly interested in the subject. This is good. Australians only have to look to the United States to see the pathetic result of government schemes for creating an economy "for the 21st century." Markets do a better job at this, without extensive government interference.

Australians like America. That's why 60,000 of them live in Los Angeles. They were encouraged by President Obama's announcement in 2012 of "America's Pacific century." The idea was to pay more attention to the Far East. It hasn't happened. Australians feel the United States is too easily distracted. They cite, as one example, Secretary of State John Kerry's quixotic effort to revive Israeli-Palestinian talks. Australians may have an inordinate fear of invasion, including by uninvited "boat people," but with 23 million people, they are badly outnumbered in Asia. They need constant reassurance that America cares about them as friend and protector. No matter who wins the election, whether Rudd or Abbott is prime minister, I think that's the least we could do. ♦

Going, Going, Gone

The arguments that justified Obamacare are already being discredited. Here's how to replace it.

BY YUVAL LEVIN

In the continuing debate over Obamacare, both the law's champions and its critics are now focused largely on the mechanics of implementation. This is understandable. The insurance exchanges are supposed to launch October 1, most of the law's other major provisions take effect January 1, and every week seems to bring fresh news of some delay or dysfunction for critics to highlight and defenders to justify or dismiss.

The technological architecture of the exchanges appears to be behind schedule and below expectations, and concerns about fraud and identity theft are especially grave. Some provisions of the law (most notably the employer mandate, some reporting requirements, and verification of eligibility for subsidies) have been found too difficult to implement and have been put off, at least temporarily, while others (like the CLASS long-term-care insurance scheme) have been found unworkable and abandoned altogether. Some major insurers have opted out of offering coverage in some states as a result of excessive regulatory burdens or price controls. Early premium data from some states suggest huge price spikes for key portions of the population, while employment data suggest the economic incentives created by the law may be undermining hiring and growth.

From here on, the fate of Obamacare obviously hinges on how it works out in practice, so it makes sense to pay close attention to such early indications. But lost in the commotion over these practical setbacks have been two important shifts in the underlying argument for Obamacare—one about how to build risk pools and the other about what insurance is for—that could prove at least as significant over time. Both have involved meaningful, if perhaps not fully intentional, concessions on the part of some of Obamacare's defenders as they struggle to respond to unwelcome news; both point to the incoherence of Obamacare's design and to the shape of a compelling alternative.

The health care debate is plainly far from over, and it

has changed more this year than a cursory reading of the news about implementation would suggest.

COST AND VALUE

The first shift has occurred as the result of a chain of defensive arguments surrounding the early data about premium costs in the state exchanges that are supposed to open this fall. Those data have suggested that, in many states, some consumers—especially younger and healthier ones—will see major price increases in the individual market next year.

For instance, comparing detailed data about 2013 premiums compiled by the Government Accountability Office and preliminary 2014 exchange-premium data made available by eight states so far, *Investor's Business Daily* reporter John Merline found earlier this month that “the average price for the lowest-cost Obamacare ‘bronze’ plan in eight states is 122 percent higher than the cheapest plan currently available in those states.” Premiums vary from state to state, and different analysts break down the numbers available so far in different ways, but all agree that for people who now qualify for the cheapest plans on the individual market, next year will bring far higher costs. That kind of price shock could make it very difficult to attract the sorts of young and healthy insurance buyers the new system will need to sustain itself.

Some defenders of Obamacare have sought simply to ignore or deny this problem. The president himself, in an August 9 news conference, said that people who are now uninsured are “going to be able to go on a website or call up a call center and sign up for affordable quality health insurance at a significantly cheaper rate than what they can get right now on the individual market.” But for a great many people, that will plainly not be the case.

Many other Obamacare defenders have responded to the premium figures by pointing to the fact that some people will qualify for subsidies in the new exchanges, which will effectively function as discounts on insurance premiums, provided on a means-tested sliding scale. But the emerging pattern of premium spikes suggests that for many young and healthy Americans, the subsidies will not

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be enough to make up for next year's premium increases.

In January, a study by Kurt Giesa and Chris Carlson in the magazine of the American Academy of Actuaries estimated that 80 percent of Americans below the age of 30 in the individual market would find themselves with higher premiums next year than this year, even after subsidies. Early data from the states suggest this estimate may not be far off the mark. As the Manhattan Institute's Avik Roy has found, in California, "if you're a healthy, non-smoking 25-year-old, and you make more than \$18,558, your health insurance will cost more under Obamacare—possibly a lot more." That means more than 90 percent of such younger Californians who are eligible for subsidies would still pay more after those subsidies next year than they would pay for coverage now.

Obamacare's defenders tend to respond to such figures by arguing that it would mostly be such relatively young and healthy people who faced higher costs even after subsidies, while the new system would surely reduce costs for older and sicker Americans—especially those with preexisting conditions who now find it difficult to obtain any affordable coverage. As the *Washington Post's* Ezra Klein put it on MSNBC in June, "at its core, health insurance, what we're doing here, is redistributing from the healthy to the sick and from the young to the old, and we are putting in big subsidies to help people who are poor." To focus on the higher costs for the young and healthy, such Obamacare champions contend, is to neglect the problems of the sick.

Clearly, one of the many things Obamacare is designed to do is to make it cheaper and easier for sicker and older people to get health insurance. This is a worthy and important goal. Any meaningful reform of our health care system would have to offer a serious solution to the plight of people with preexisting conditions, and Obamacare's supporters are right to insist that this is generally a more significant moral and social problem than the plight of the young and healthy.

But consider the solution they propose. Obamacare's "redistributing from the healthy to the sick and from the young to the old" happens for the most part not through government taxing and spending, or through the sorts of subsidized high-risk pool arrangements that conservatives propose, but through a redesigned insurance system in which the cost of risk is massively redistributed. The young and healthy are expected to enable that system to function in two ways: They will pay significantly higher rates than they do now, and more of them will buy coverage. But

there is an obvious contradiction between these two expectations. If the cost of something goes up, why would more people buy it?

In fact, the problem is even worse than that. Obamacare doesn't just increase the cost of coverage for the young and healthy, it also reduces the value of insurance for them. The law's insurance rules mean that a sick person can buy insurance for essentially the same price as a healthy person, so healthy people know that if they get sick they will never be more than one enrollment period away from being able to buy coverage for the same price they would pay while they are healthy. That doesn't mean they will always be able to

get coverage as soon as they need it (if they become sick or injured outside the annual enrollment period, they will have to wait, perhaps even a few months, until the next one), but it still means a major health setback while uninsured will involve far less risk than it does today.

Insurance exists to offer protection against the risk of a medical calamity becoming a financial calamity, and part of its appeal to the healthy has always been that waiting to buy coverage means running the risk that poor health will make such coverage unaffordable later. Coverage rules that dramatically reduce that

risk for people who are healthy therefore make insurance less valuable for them.

So young and healthy people who now choose not to buy even the cheapest available insurance plans are expected next year to buy insurance that is both more expensive and less valuable, and the entire system depends on their choosing to do so. To focus on the financial incentives they will confront is not to neglect the system's redistributive purpose—if the young and healthy stay out, older and sicker Americans will face higher costs and less access to coverage, and the system will fail by its defenders' own standards. Its mistreatment of the young and healthy is therefore actually a huge problem for the law, and points to the core of the new system's economic irrationality, or rather to its failure to contend with how people understand their economic options.

In theory, it has always been fairly stupid for young and healthy people not to buy insurance: Coverage has been very cheap for them in much of the country, and the risk of unexpected health costs—which would both deplete their meager resources and make it much tougher for them to get insurance in the future—while statistically low, is financially grave and serious. Low-cost protection against that risk would be worthwhile for most. But in practice, when

Young and healthy people who now choose not to buy even the cheapest available insurance plans are expected next year to buy insurance that is both more expensive and less valuable.



weighing their particular risks and finances, a great many young and healthy people have nonetheless opted against it. That is a major part of the reason why two-thirds of the uninsured are under the age of 40.

A reform aimed at getting more of them to buy coverage would have to make it even more stupid for them to remain uninsured. Some reformers would do so with a firm individual mandate backed with a stiff penalty. But the Supreme Court last year said a legal requirement to buy coverage would be unconstitutional and transformed Obamacare's mandate and penalty into a tax on the uninsured. And since forcing people to buy a product they don't want doesn't make for great politics, that penalty (now tax) was in any case set much too low to fundamentally change the financial calculation for most people.

A better approach might even further reduce the cost of coverage for the young and healthy while increasing the risk of choosing to remain uninsured (by rewarding continuous coverage while putting it within everyone's reach), and so make coverage more valuable. This is the approach favored by conservative health care proposals of recent years. But Obamacare does the opposite, making it less stupid to remain uninsured, and yet relies even more heavily than today's insurance system on the participation of the young and healthy.

In the face of this serious problem, Obamacare's defenders have tended to shift the focus of their arguments from cost to value. Maybe Obamacare will not make coverage cheaper for the essential young and healthy demographic, they argue, but it will make it more valuable—despite the new insurance rules—because it will make coverage more comprehensive, meaning insurance will cover a greater share of people's costs and offer a wider range of benefits.

In this telling, the more comprehensive an insurance plan is, the better it is. Ideal insurance would presumably be first-dollar coverage that renders even the most minimal care free at the point of delivery in return for a high premium in advance, while insurance with low premiums and high deductibles that provides protection against catastrophic costs is disdained as less than real coverage. Princeton economist and *New York Times* columnist Paul Krugman wrote in June that such catastrophic plans can be cheap "because they don't provide much insurance." In trying to explain why next year's premiums look so much higher than this year's low-cost individual-market plans in many states, HHS secretary Kathleen Sebelius said this spring, "Some of these folks have very high catastrophic plans that don't pay for anything unless you get hit by a bus. They're really mortgage protection, not health insurance."

Thus, evidence of high premium costs in the exchanges

has driven some defenders of Obamacare in recent months to acknowledge that the new system, which depends on getting young and healthy uninsured people to buy coverage, depends in turn on the value and appeal of particularly comprehensive coverage. Maybe insurance will cost these people more next year, but it will be worth it.

Here, however, we find the second of the major recent liberal confrontations with unpleasant facts, which has undermined precisely the case for fully comprehensive insurance coverage.

REAL INSURANCE

The story begins a few years ago, when Oregon officials decided to expand their Medicaid program but did not have the funds for a simple expansion of income eligibility, and so set up a lottery by which some eligible Oregonians could gain access to the program. That policy created an unusual natural experiment, allowing for a comparison of two groups of similarly situated people, one of which had won the lottery and so had Medicaid coverage while the other remained uninsured. A group of economists from Harvard and MIT carefully tracked the two groups' finances and health and published two years' worth of results in May.

They found that having Medicaid coverage yielded major financial benefits but could not be shown to have yielded major medical benefits. Such coverage "nearly eliminated catastrophic out-of-pocket medical expenditures" and was correlated with a significant decrease in self-reported depression, but appeared not to have a statistically significant effect on three key health measures often used in assessing physical health outcomes. That doesn't mean it had no effect, as no such study could prove a negative (and the sample was not large enough for great confidence) but it means that in terms of health, the difference between having comprehensive coverage and being uninsured was not readily discernible by the best available analysis to date.

The response to this study, on all sides of our politics, was largely focused on Medicaid, and whether the enormous state and federal government expenditures on the program (expected to surpass \$7 trillion in the coming decade) could be justified given these findings. But the study's results do not suggest something unique about Medicaid. Rather, they raise the question of the health value of health insurance more generally.

The findings are in line with a series of studies reaching back to a famous experiment by the RAND Corporation in the 1970s. RAND divided several thousand families into five groups, each provided with health insurance with a different level of co-insurance and out-of-pocket costs—from very comprehensive to essentially catastrophic coverage.

They found that while the financial situations of families in the different groups ended up differing, and the degrees to which they used the health care system differed, their actual health outcomes did not.

The expense and complexity of this kind of study has made it difficult to repeat, though subsequent analyses and smaller studies have tended to confirm the basic findings, just as this year's Oregon study did: Insurance can save you from financial catastrophe, but not medical catastrophe. This has hardly been an uncontroversial claim in the field, but it appears to be in line with the available evidence.

In a 2009 review of the literature in the journal *Health Services Research*, Richard Kronick found that "it is not possible to draw firm causal inferences from the results of observational analyses, but there is little evidence to suggest that extending insurance coverage to all adults would have a large effect on the number of deaths in the United States." In 2005, economists Amy Finkelstein and Robin McKnight studied the effects of the introduction of Medicare on the elderly in America and concluded that "in its first 10 years, the establishment of universal health insurance for the elderly had no discernible impact on their mortality. However, we find that the introduction of Medicare was associated with a substantial reduction in the elderly's exposure to out of pocket medical expenditure risk."

The response of many defenders of Obamacare to this spring's Oregon study mostly involved reverting to this well-supported argument to insist that the study should not bring Obamacare's Medicaid expansion into question. Paul Krugman published a post on his *Times* blog that read, in its entirety:

Fire Insurance Is Worthless!

After all, there's no evidence that it prevents fires.

But strange to say (as Mark Thoma points out in correspondence), people seem to think it's a good idea anyway.

I leave the relevance of this thought to the Medicaid discussion as an exercise for readers.

Krugman's point, which he evidently believed was very cleverly made, was that insurance provides financial protection from catastrophic costs, and such protection is nothing to sneeze at.

He was certainly right. Protection from catastrophic health costs is extremely important, and public policy should aim to make it available to everyone. But consider what this means for the case for comprehensive health coverage. If health insurance does not prevent ill-health, just as fire insurance does not prevent fires, and both are simply financial products that offer a hedge against the risk of extreme unexpected costs, then why should coverage for medical services that do not involve extreme costs add significant value to an insurance policy?

In fact, such coverage is not quite insurance at all. Secretary Sebelius's complaint about catastrophic coverage, noted above, has things roughly backwards: Protection from financial disaster in case of medical disaster is what insurance is for. Coverage that merely acts as an intermediary for small, routine expenses—which you pay for through high premiums and the insurer then turns over to a doctor—mostly acts to make the delivery of health services less efficient, but does little to improve either your physical or your financial well-being.

This model of comprehensive insurance particularly lacks appeal for young and healthy people, whose routine medical costs are very low. For them, and for many others, the model of health insurance that could best balance cost and use would probably look like most other kinds of insurance: coverage for unusual and particularly expensive needs and a range of options and prices for more routine and cheaper services.

REAL REFORM

A functional health reform might therefore begin with universal catastrophic coverage and build from there. It could involve a highly competitive market for both coverage and care, with today's preferential tax treatment for employer-provided coverage turned into a universal credit that would cover the premium for at least a catastrophic plan for all and allow individuals to purchase more coverage or care on their own or through their employers (or, for the poor, with the aid of a Medicaid program transformed into an add-on to the credit). It would keep the young and healthy in the system by making coverage far more valuable for them through lower costs and protections for those who are continuously insured, as described above, and would enable Americans with preexisting conditions who have not had continuous coverage to buy insurance through subsidized high-risk pools.

This approach would aim at a model of coverage that encouraged consumer choice and provider competition, rather than eliminating price signals and encouraging overspending. It would require far less public spending than Obamacare, and could make coverage available to as many people as Obamacare without the mandates, taxes, and irrational insurance rules because its organizing principle would not be forcing people to buy products they don't want but rather making insurance more appealing and affordable.

Such plans exist, of course, and have been advanced by

some conservative policy experts for many years. But the last few months have seen the advocates of Obamacare implicitly acknowledge some of the key premises of this conservative approach, as the law they enacted confronts some significant practical difficulties.

These early difficulties do not by themselves prove that Obamacare will be a train wreck. Predictions at this early stage are inevitably speculative, and the Obama administration has shown itself willing to engage in frantic (and often lawless) ad hoc transformations of the system to avoid near-term catastrophe. But the early signs do suggest serious problems that run deep, and that will be difficult to juggle for long. They suggest, above all, that America's health care debate is very far from over.

This is a fact that many Obamacare defenders have found difficult to accept. Passage of the law has neither made it more popular nor settled the basic dispute about it, as both the law itself and the case for it continue to weaken and shift. Obamacare as it is now being implemented could not have been enacted in 2010. Shorn of the short-term fiscal fig leaf of the CLASS Act, absent the revenue and insurance-market stabilization of the employer mandate, stripped of eligibility verification for subsidies cost-

ing billions of taxpayer dollars, saddled with an assault on religious liberty—all of which has been done by the law's own champions and defenders—the bill would never have had the votes to become law even in the heavily Democratic 111th Congress.

But more than that has been lost. The basic case for Obamacare now looks much diminished. Its flaws, as made evident by the liberal confrontations with reality of the past few months, point toward a different model of insurance reform. But that model will only become apparent to the public if conservative politicians articulate and embrace it, and help voters see how it could address the real problems of American health care. Obamacare stands to leave our health care system significantly worse than it was before the law's enactment, but that system was itself badly broken. Real reform that made reliable coverage and high-quality care available to all would move well to the right of the pre-Obamacare status quo.

The practical problems of Obamacare's implementation mean the debate will go on. But only a forthright public case for a serious alternative that would replace Obamacare by addressing the problems that preceded it can enable Republicans to win that debate. ♦

The basic case for Obamacare now looks much diminished. Its flaws, as made evident by the liberal confrontations with reality of the past few months, point toward a different model of insurance reform.



St. Augustine from the Langenzenn (Germany) City Church altar, ca. 1445

Augustine's Mission

The right man, at the right time, for Christendom. BY JOSEPH BOTTUM

Most of the time, intellectual history is a tangle, the threads so snarled that the result looks like a skein of yarn after a dozen kittens have been set loose on it. That lump over there? The muddle that the Venerable Bede made of things. That twisted set of knots? The playful chaos that Thomas Carlyle constructed for us. That indecipherable web? It's what was left of Western philosophy after

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Saint Augustine of Hippo

An Intellectual Biography

by Miles Hollingworth

Oxford, 336 pp., \$29.95

Martin Heidegger got his paws on it.

But every once in a while, somebody comes along to straighten things out. Whatever the mess before, whatever the mess after, for a moment, intellectual history seems gathered and given direction. Picture it as a silver ring on the frame of a loom, with all the threads

of a culture's thought passing neatly and precisely through its intelligible circumference. Virgil was one of those rings, perhaps; Descartes was another. And so too, maybe most obvious of all, was Saint Augustine of Hippo.

Which makes quite peculiar the way that Oxford University Press is hyping Miles Hollingworth's new intellectual biography of the saint. The received opinion of Augustine, we're told, is that "insofar as we should be aware of him in the 21st century, he is a figure described—if not circumscribed—by his times."

WOLFGANG SAUBER

Hollingworth, the young South African scholar who teaches at Durham University in England, is a rebel for challenging this dismissive view. Well, maybe in their cozy publishing confines, the kittens at OUP really do think that Augustine is tangled up in time just like most thinkers. But almost everywhere else, people don't think it rebellious to say that the saint actually matters. Most people agree that, for a moment, the threads of Western thought ran clear through the silver ring that was the mind of Saint Augustine.

What Hollingworth is really arguing against is a way of understanding Augustine that has come and gone throughout the long history of reading the saint since his death in 430. This approach may have begun in a kind of Christian piety, aided by a surface reading of the *Confessions*, tending toward the idea that *of course* Augustine fundamentally changed his thinking after he became a Christian. Early experiences may have echoes in his later thought, because they influenced him to turn to Christianity: he and his childhood friends stealing fruit that they didn't even want from a garden; mourning the death of a close friend; proving himself the Roman Empire's fastest rising young intellectual by stumping the Manicheans' chief thinker (Faustus of Mileve, an affable lightweight) with his philosophical anxieties. But those were only the occasions for Augustine's conversion, the idea goes, and his post-conversion writing, the stuff that would change the world, all came from his new Christian mind.

As I said, this reading of Augustine has gone in and out of fashion. Peter Brown, with his powerful *Augustine of Hippo: A Biography* (1967), forced us to remember that Augustine lived and wrote for more than 40 years after his conversion, which occurred in 387. But in the almost 50 years since Brown's work was published, the general scholarly sense of Augustine has been that of an utterly changed man: the subject of an interesting psychological study, via the *Confessions*, before his conversion, and a powerful theo-

logian whose biography and work occur entirely within Christianity after his conversion. With the title *Saint Augustine of Hippo: An Intellectual Biography*, a deliberate echo of Peter Brown, Miles Hollingworth wants us to know that he has entered the lists. The mantle has fallen to him, he claims, and he's gotten the former archbishop of Canterbury Rowan Williams to say as much: "This is a book whose style and feel are really worthy of Augustine himself—humane and probing, full of telling metaphor and seriousness about the strangeness of human experience. It is capable of doing for a new generation a great deal of what Peter Brown's epochal biography did half a century ago."

At times, however, the mantle seems to drag a little on the floor. Hollingworth wants us to see how the intellectual, spiritual, and even biographical elements of Augustine's early life recur in the theological and ecclesial work he later undertook. Over and over again, Hollingworth wants us to see it—until we gag a little, like fledglings, at the force-feeding. In particular, he seeks the answers that the Christian Augustine drew from the puzzles the pagan Augustine faced. Augustine, he argues, did not turn to Christianity so much because it solved his intellectual and psychological dilemmas, although often it did; he turned to Christianity because it was the first system of thought he had ever encountered that took the puzzles seriously.

Even more than this, it was the first system that was as passionate as he was, as angry as he was, about the radically incomplete, radically broken nature of humans. The abandonment of man, his dislocation from true reality, ought to have been apparent to even the weakest of pagan religions. The spiritual glimpses of the noumenal order that even half-baked religions like Manicheism sometimes manage ought not to have made people happy, with a little brightening of the usually dark, often painful, ordinary life. They ought to have made people *furious*—as furious as the

young Augustine—at the darkness and pain of ordinary existence.

How else are we to understand the power with which he turned, while bishop of Hippo and the leading Christian writer in the Latin West, against Pelagius and his disciples? When the Pelagians attempted to weaken the apprehension many felt toward the effects of the Fall, they were not merely getting a theological point wrong; they were undermining the very reason that Christianity was necessary, the very reason Augustine had become a Christian. And so with the Donatists, too, against whom Augustine would also turn his anger. As rigorists who insisted that the church was a congregation of saints and not sinners, the Donatists were not just making small mistakes about ecclesiology; in Augustine's view, they were also denying the deep reality of sin in the world—sin that needed Christian redemption. Against the Pelagians, Augustine took a sterner, possibly less accommodating position; against the Donatists, he took a sweeter, obviously more accommodating position. But in both cases, the origin was a sure grasp of what he knew to be the central fact of the human condition: We are fallen, broken creatures, and the world is not a kindly place for us.

Along the way, Hollingworth traces Augustine's effect on the Western intellectual tradition. He previously explored some of this in his *The Pilgrim City: St. Augustine of Hippo and his Innovation in Political Thought* (2010)—which claimed Augustine had escaped the normal Western political-theory extremes of starry-eyed utopianism and gimlet-eyed realism with a view of life as discipleship. The effect of *Saint Augustine of Hippo* is to remind us of the significance of the saint for nearly everything that would follow in Western thought.

All of which makes this volume a serious, well-written, provocatively argued book that anyone with even a pretense of interest in intellectual history will want to read. Its only problem is that we don't need to be reminded of Augustine's importance.

More interesting might have been something that assumed his greatness, his centrality, and tried to explain how he achieved it. What made Augustine one of those rare instances of clarity, one of those silver rings through which, whether we like it or not, all the surviving threads of thought would pass?

To read *The City of God* is to realize Augustine was a great philosopher, of course. Maybe not quite in the absolute “A” class of Plato, Aristotle, Aquinas, Kant, or Hegel, but not down at the next level, either—with the “B” class (but still great) likes of Marcus Aurelius, Francisco Suárez, and Friedrich Schiller. Call it the “A-minus” set of world-historical thinkers: Plotinus, Hobbes, Machiavelli, Hume, Wittgenstein, Augustine. But to read *De Doctrina Christiana* would convince anyone that Augustine belongs in the first gathering of theologians, the greatest of the many fine theological minds among the church fathers in Latin Christendom. There’s a reason, after all, that Thomas Aquinas and Martin Luther alike engage Augustine in a way they do no other theological thinker. Then, too, as the *Confessions* show, Augustine was among the last great classical stylists, trained in a rhetorical tradition that would cease to exist all too soon.

What’s more, he stood at the moment of the failure of Rome—dying as the Vandals besieged Hippo, his Roman city in North Africa—and he had the most significant historical event of 1,000 years to explain and translate into a lasting understanding of the human condition. But it’s somehow the combination of all this that makes Saint Augustine so central: *What* he wrote, joined with *how* he wrote, joined with *when* he wrote.

There is no Western civilization without him. He shapes our intellectual tradition in the way others who are so good they force themselves into our minds do. And he shapes us even more so in the sense that all the threads that have come down to us were gathered up, made straight, and passed through the bright silver ring of his mind. ♦

BCA

Reserve Judgment

How one national pastime (baseball) has been injured by another (the law). BY EDWARD ACHORN

For decades, the lords of big-league baseball scrambled to protect their antitrust exemption, warning that the professional game would fall apart if the owners could not conspire against free markets to run it their way. Most of all, they wanted to protect the reserve clause, under which a player was bound to one club as long as that club wanted him rather than permitted to sell his services to the highest bidder.

For a long time, critics have dismissed these notions as farcical and self-serving. After all, modern baseball, dominated by a bossy players’ union and bereft of the management controls it once had, is more lucrative than ever, a multibillion-dollar carnival. It’s easy to mock the owners who fought so long and hard against the creeping changes of the modern world.

Stuart Banner, professor of law at UCLA, performs a signal service for scholars and serious fans with this thorough exploration of baseball’s intersection of business and law. And Banner treats his material in a dispassionate, scholarly manner, while bringing to his work an unusually (and amusingly) keen understanding of human nature.

He starts us off way back in 1879, with the establishment of a reserve clause in the National League, a measure designed—as league president William Hulbert put it, with the blunt honesty permitted in those

The Baseball Trust
A History of Baseball’s
Antitrust Exemption
by Stuart Banner
Oxford, 304 pp., \$29.95



Curt Flood, 1965

times—to “prevent unhealthy competition.” Competition had indeed proved unhealthy for Hulbert and his fellow owners, as salaries outstripped profit margins. The reserve clause proved to be an effective tool in suppressing pay, controlling player movement, enhancing the value of franchises, building fan loyalty in their local clubs, and effectively keeping a lid on the behavior of the truculent young men in the game.

Of course, from the start, critics—including such wily 19th-century players as John M. Ward, a graduate of Columbia Law School—recognized that the reserve clause was a variant of slavery, forcing a man to be “owned”

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GETTY IMAGES

by a club and blocking his opportunities to be better paid elsewhere. Thus began a long series of courtroom battles over the reserve clause and, after the Sherman Antitrust Act of 1890, over whether organized baseball was a monopolistic conspiracy. Banner takes us methodically through these court battles, including such landmark cases as the 1922 Supreme Court ruling that baseball was exempt from the Sherman Act and *Flood v. Kuhn* (1972), under which baseball was declared exempt even from state antitrust laws. Some of the legal language, frankly, became tedious to this nonlawyer; but Banner is superb in explaining the context of rulings.

The 1922 case, for example, was not as bizarre as modern critics have made it out to be; in fact, the Court was following a widely accepted view of law at the time. It was the changing understanding of antitrust law that made the ruling seem increasingly outmoded. And it is fascinating, too, to rediscover the fact that Curt Flood—often regarded as the fearless progenitor of modern baseball—lost big-time in court.

Banner offers a portrait of Washington politicians falling over each other to look like saviors of the game in the early 1950s, as baseball's antitrust exemption seemed increasingly shaky: "Baseball is one of the finest things in American life, but it is in danger," declared Rep. Emanuel Celler (D-N.Y.), chairman of the House Judiciary Committee, and representative of a Brooklyn district since 1923. While the Washington Senators plied him with choice box seats, the congressman wrote friendly private notes to Commissioner Happy Chandler, hired more for his Washington connections than anything.

The members of the subcommittee are seriously concerned with the possibility that private litigation involving the reserve clause may have disastrous consequences on a great American tradition.

All the same, Congress did nothing but pose, pontificate, and produce a report. In the end, baseball's man-

agement powers fell not because of the courts so much as a catastrophic decision to submit labor disputes to binding arbitration. That is how free-agency was foisted on the game, largely eviscerating the reserve clause and vastly enhancing the clout of the players' union, even as baseball still retains its antitrust exemption.

It is beyond Banner's purview to consider such a matter, but one cannot help wondering: Were those owners and politicians right all along? Was the reserve clause the key to the game's integrity? Baseball in the free-agency era generates immense amounts of money, with staggering contracts going to players, advertising infesting every corner of the game, and ticket and parking prices in the stratosphere, freezing out many middle-class families.

What has been lost? Baseball, the

most perfect of games, is no longer the nation's favorite sport, as those who run it have put its showcase contests on television too late for the young—and, indeed, for many of the old who work for a living. The enticement of contracts worth tens of millions of dollars has put enormous pressure on players to turn themselves into steroid-stuffed beasts whose fraudulent achievements on performance-enhancing drugs have made a mockery of the record books, once one of the most magical things about baseball.

Perhaps I am showing my age—and a hopeless susceptibility to nostalgia—but I think baseball was a better game for fans back in the days when the reserve clause held sway and the antitrust exemption actually meant something. Those cranky old owners of decades past were onto something. ♦

BCA

Prelude to War

Before Pearl Harbor, public opinion was the battlefield. BY ALEXANDER B. GRAY

Seventy years distant, World War II has become indelibly etched in the national memory as "the good war." The rapid passing of the war generation makes it difficult to disentangle the conflict itself from our collective reverence for its sacrifice and achievement. Yet Lynne Olson reminds us that a conflict almost universally seen today as the quintessential "war of necessity" was as contentious in its day as any of our recent foreign interventions.

Olson's tale is freighted with high drama, political intrigue, and titanic personalities. And like the period itself, these personalities take on entirely new dimensions when subject to Olson's meticulous research and lucid storytelling. Franklin D.

Alexander B. Gray is a writer in Washington.

Those Angry Days

Roosevelt, Lindbergh, and America's Fight over World War II, 1939-1941

by Lynne Olson

Random House, 576 pp., \$30

Roosevelt, so often seen as a calculating Machiavelli who propelled the United States into global war despite the isolationism of the electorate, appears as a vacillating politician marching in near-lockstep with public opinion. Charles Lindbergh, the famous aviator and principal public opponent of involvement, appears not as a well-meaning (if slightly deluded) patriot who simply misunderstood the moral and geopolitical imperatives of his time; rather, Olson's Lindbergh is an ill-informed narcissist

and political neophyte who simply cannot understand why his casual anti-Semitism and moral equivalence would anger so many.

While Olson's reappraisals of the dominant figures of the period may be disconcerting to those accustomed to prevailing narratives, her portraits of FDR and Lindbergh reflect the nuance of America's great debate over intervention in World War II. From Germany's invasion of Poland in September 1939, and continuing until at least the summer of 1941, public support for American involvement in the conflict was tepid at best. Each successive step toward active involvement—from trading aging Navy destroyers to the British in exchange for bases in the Western Hemisphere to providing large-scale aid under Lend-Lease—was passionately opposed by a particularly strident segment of public opinion. President Roosevelt was consistently reluctant to take any action that might outstrip Americans' appetite for participation. Olson's FDR is less a scheming, string-pulling interventionist than a gunshy pessimist intent on avoiding a domestic political calamity.

If Roosevelt scrupulously followed public opinion, Olson's lesser characters were devoted to molding and leading it. William Allen White, the Kansas newspaperman and founder of the Committee to Defend America by Aiding the Allies, played an instrumental role in mobilizing both elite and mass opinion on the side of incremental support for the countries resisting Axis domination. The Century Group, a collection of East Coast intellectuals and society figures like playwright Robert Sherwood and publisher Henry Luce, agitated for immediate intervention in the conflict for both moral and geopolitical reasons. Edward R. Murrow's broadcasts from blitzed London inspired listeners with Britain's resilience. Even before the full scale of Hitler's evil was widely known, Olson reminds us, some Americans (including, it should be emphasized, Roosevelt himself) were under no illusions as to the nature of the Nazi

regime and the threat it posed to free peoples everywhere.

The same cannot be said for Lindbergh and his compatriots in America First. It is now common to dismiss pre-Pearl Harbor isolationists as misguided yet, given the scale of post-World War I disillusionment, somehow justified in their failure to assess America's strategic imperatives and moral obligations. While the ranks of America



Henry Stimson, George C. Marshall, 1941

First certainly included well-meaning idealists such as future Yale president Kingman Brewster and future Peace Corps director Sargent Shriver, Olson traces the deep and troubling undercurrents that pervaded opposition to American involvement. Senator Gerald Nye of North Dakota attributed the pro-British films coming out of Hollywood to the "racial emotions" of Jewish studio moguls. Lindbergh publicly stated that American Jews would do well to avoid support for intervention because they would face public reprisal.

Yet if Lindbergh and his isolationist brethren fare poorly here, a brilliant cast of supporting characters shines anew. Henry Stimson, the venerable Republican tapped by Roosevelt to be secretary of war in the summer of 1940,

is shown as exercising prescient judgment in almost every notable instance in the runup to Pearl Harbor. Grenville Clark, an old FDR law partner and founder of the ROTC program in World War I, undertook a carefully orchestrated campaign to implement the first peacetime draft in American history. James Wadsworth, a New York Republican congressman, volunteered to introduce conscription legislation despite the political perils.

But it is Wendell Willkie, Roosevelt's Republican opponent in 1940, who emerges as the true hero of the "angry days" before December 7, 1941. An interventionist serving as the standard-bearer for an isolationist-dominated party, Willkie adamantly refused to alter his belief in the necessity of aiding the Allies. And by unstintingly supporting Roosevelt's cautious steps toward involvement, Willkie provided political cover to FDR and helped stiffen the president's resolve. Had Willkie chosen political expediency in the heat of a presidential campaign, Roosevelt might well have been forced to further distance himself from efforts to aid the Allies in their darkest hours.

The message of this book could not be timelier. Like their predecessors, today's new isolationists have decided that America's geographical position, surrounded by two oceans and friendly neighbors, makes global engagement unnecessary and counterproductive. They reject assertions of inalienable American interests—from ensuring freedom of the seas to supporting our allies—which might require military involvement. More vehemently still, they recoil at the suggestion that the United States has a peculiar moral obligation on behalf of free peoples in the face of tyranny.

While the new isolationism falls within a historical tradition unlikely ever to disappear, the heirs of America First must be answered by those who understand, as Wendell Willkie and Franklin Roosevelt did, that no matter how much Americans abhor conflict, there are some things worth fighting for.

◆ ASSOCIATED PRESS

I Like Icon

But I'm getting a little weary of the adjective.

BY JOE QUEENAN

The other day, I decided to see how long I could go without reading the word “iconic.”

Four minutes. After putting on the teakettle, I opened the newspaper and almost immediately read about the “iconic” Oprah Winfrey. Then I read about an “iconic” Cuban bandleader who, like many other people routinely described as “iconic,” was someone I had never heard of. Such people belong to a class of quasi-celebrities best referred to as “niche icons,” as opposed to universally admired “global icons” like David Beckham, who was referenced thusly in an ad for the Breitling Transocean Chronograph Unitime, a watch the size of Uruguay. Finally, I came across an insert announcing a summer sale at Macy’s. It was the “American Icons” sale.

Opening my email, I eyeballed a promo from the Caramoor Music Festival announcing that the “iconic” Emerson String Quartet would soon be appearing at its grounds. An email from Colston Hall in Bristol, England, invited me to come over and see some “iconic performers” in action this fall. Seconds later, while rooting around my refrigerator for orange juice, I moved a Pepsi bottle aside. On the back label were emblazoned the words “Iconic Summer.”

There was a time in this great nation, not terribly long ago, when people who accomplished remarkable things were described as “heroic” or “fabulous” or even “*Numero Uno*.” Extraordinary musicians were extolled as “legends” whose concerts were “watershed events.” Gifted writers were referred to as “pioneers” and “sages” and “trail-

blazers” whose works were “seminal.” Outstanding athletes were described as “titans,” or “giants” or “colossi.”

Not every remarkable person was described in exactly the same way:



Iconic Peekskill

Words as varied as “amazing” and “superb” and “fantastic” could also be called upon to honor a spectacular chantoozie or automobile. Some people or institutions—Michael Moore, Merle Haggard, Carol Channing, and the American Museum of Natural History, among others—were even singled out as “national treasures.”

But that was before the invasion of the icons. Today, icons totally dominate the conversational landscape. If you open the newspaper you will see an ad for “iconic hotels in iconic places,” featuring “an iconic footbridge.” You will read about someone having his picture taken in “iconic Malcolm X poses.” You will read that the “iconic” rock band Fleetwood Mac will soon be playing at Madison Square Garden, itself an icon of rare iconicity.

Meanwhile, on iconic Broadway, in the very heart of iconic Times Square, iconic sixties band The Rascals took up temporary residence at the iconic Richard Rodgers Theatre. For those

of a slightly more Methuselah frame of mind, the iconic Pete Seeger will be giving a concert in some iconic coffeehouse, playing iconic Woody Guthrie songs. And yes, he will be playing that most iconic of instruments, the five-stringed banjo.

The fault for this tidal wave of knee-jerk, bootlicking, just-add-water hyperbole lies partly with advertising agencies, but mostly with the press. Journalists, born sycophants and copycats, maintain an internal checklist of top-shelf clichés they desperately attempt to shoehorn into their stories, because using industrial-strength banalities makes them feel more like Thomas L. Friedman.

They feel a professional imperative to describe the snail darter as “the poster child for endangered species.” They never get tired of telling readers that “the center cannot hold,” as if that were the only thing William Butler Yeats ever said. They can never resist paying homage to those who “think outside the box.” And at some point, they simply must insert the words “preternatural,” “quintessential,” or “Ouch!” into their otherwise antiseptic articles. Otherwise, they feel like rank amateurs.

Until they receive an official directive from the League of Flatulence’s Central Planning Committee authorizing them to stop using such extinct banalities as “style over substance” or “happy camper,” they will strangle the life out of these steaming balls of piffle. There is no horse too dead for them to beat as long as a lot of other journalists are beating it simultaneously. It is as if the entire profession has been sent out on a search-and-destroy mission, and the target is the English language itself. Write no story that does not bristle with empty phrases, hollow sentiments, shopworn bromides, and time-honored clichés. And at all costs, make sure you get the word “icon” in there somewhere.

Journalists use the word “iconic” to describe everything. They use it to describe magazines (*Sports Illustrated*, *Time*, *Spy*). They use it to describe golf courses (Pebble Beach, Augusta National, St. Andrews). They use it to describe TV shows (*Tonight*), hosts of TV shows (Jay Leno, Johnny Carson), and characters in TV shows (Don

DANIEL CASE

Joe Queenan is the author, most recently, of *One for the Books*.

Draper in *Mad Men*). Left unchecked, they will even use it to describe Betty White. They use it to describe singers, movie stars, quarterbacks, personal computers, automobiles, pieces of legislation, gardens, even sandwiches. And when they themselves are not using it, they quote somebody else using it.

"I always saw her as kind of iconic," a woman says of her friend Kylie Minogue, the very definition of that non-iconic entertainer, the niche icon. What kind of food can one expect to be served in the new restaurant that perches high atop Freedom Tower (aka One World Trade Center) in Lower Manhattan? "Iconic fare," says the guy who will be running the place.

According to *Webster's*, the word "iconic" means "an object of uncritical devotion." It is a word that can reasonably be used to describe people like Winston Churchill, Mary, Queen of Scots, and Charlemagne, bands like Duke Ellington's and Led Zepelin, and, stretched to its very limit, objects like the iPod or the Gibson Les Paul or the AK-47.

It cannot be used to describe synthetic fabrics, secondary characters in cable TV programs, piquant beverages, dated hairstyles, or Weezer. There is no such thing as an iconic ocean, an iconic dessert, or an iconic search engine. Iconic fruits do not exist on this planet. Nor do iconic cordials. There is no conceivable set of circumstances in which the words "iconic" and "Lionel Richie" can be joined. The English language has strict rules about this.

It is often said that before things get better, they must get worse. Well, things *are* getting worse. Set loose among the pugnaciously brainless, the word "iconic" has wandered so far from its etymological moorings that it is now being used to describe, literally, anything: gelato, toys, headgear, pajamas. Small, down-at-the-heels New York municipalities.

Yes, not long ago, at a ribbon-cutting ceremony to celebrate the reopening of the Paramount Theater in Peekskill, New York, Mayor Mary Foster actually said, "This is iconic Peekskill."

Iconic Peekskill.

This stuff has got to stop. ♦

BCA

Look and Learn

One collection plus three buildings equals the Yale Art Gallery. BY DANIEL GELERNTER



New Haven

The Yale University Art Gallery reopened last December after a 14-year renovation.

I was pessimistic: Yale may be drowning in money, but a curator with a good eye is hard to find, even when a museum feels like looking. Yale has a great collection, and the current director, Jock Reynolds, has a well-earned reputation for enhancing it. But a great collection in the wrong hands can still leave you with a terrible museum, the Whitney in Manhattan being a textbook case.

The chief curator at Yale is Laurence Kanter, scholar of medieval and Renaissance painting. He was kind enough to sit down with me to discuss the new galleries. Given the choice, Kanter would rather look at paintings than read about them, which makes him unusual in the academic

art world. He has a fine eye and regards the arrangement of artwork in a gallery space as an art in itself. As it turns out, the new Yale gallery is among the best-curated collections I've ever seen; the installation and selection of works is superior. An encyclopedic art museum is a tough act to pull off, and Yale may be the finest of its size in the country.

The new gallery consists of nearly 70,000 square feet in three connected buildings. Street Hall, the oldest building, is on the corner of Old Campus and first opened in 1867. In 1928, the collection moved across the street to the Swartwout building, and Street was converted into classrooms; in 1953, architect Louis Kahn appended one of his earliest solo commissions. Street Hall has now been reconverted into a gallery, and though gluing these three buildings together has not produced a unified exhibition space, what the museum lacks in flow it makes up in (mildly labyrinthine) charm. Wandering around is a pleasure.

Daniel Gelernter is an artist and CEO of a tech startup.

CHRIS GARDNER

The main entrance is through the Kahn building, which is both the most impressive and the worst space for showing paintings. Kanter points out that interesting architecture tends to compete with interesting art, but one of Kahn's later buildings, right across the street, is a rebuttal to that: The Yale Center for British Art (1977) is better for displaying paintings in every way. The problem with Kahn's earlier gallery is the concrete-honeycomb ceiling, which seems to press down on the open floor plan, and soaks up all the light. Still, sculpture shows to particularly good effect in the somber surroundings, which is why, says Kanter, the Asian collection "looks better than it really is."

The only area where the Kahn building hurts the art is the Modern European section on the third floor. Some of the museum's best pieces are here—the plaster original of Alberto Giacometti's 1934 *L'Objet invisible* (*Mains tenant le vide*), a small Modigliani portrait, an extraordinary Egon Schiele drawing—and they all seem uncomfortable. If the entire floor were emptied, leaving only the Giacometti sculpture, spotlighted, at the very center, then you'd have something.

The Kahn building sets up some wonderful transitions to the thoroughly space-and-light-filled Swartwout galleries, though. On the ground floor, the low Kahn lobby opens to a double-height, barrel-vaulted hall containing sculpture and pottery of Ancient Greece and Rome. This is one of the museum's best points, in quality both of collection and installation, and includes a beautiful Berlin Painter amphora. The light-drenched stone floor is usually strewn with a half-dozen maidens from art class, sketching the sculpture and looking like a painting themselves.

Above the Greek gallery, at the geographical center of the whole complex, is Kanter's masterpiece: the medieval and Renaissance rooms. The walls are saturated mulberry-purple, a color chosen by Kanter him-

self after giving it a trial run in a 2010 exhibition. The purple supercharges the orange-gold ground of 14th-century Florentine painting; these rooms glow. The atmosphere is warm and intimate, even when ruffled by the class groups that occasionally barrel through. Two small panels right next to the door, by the brothers Orcagna and Nardo di Cione, encapsulate

up. In 2010, for example, they found an extraordinary early Velázquez. More recently, a Titian was reclaimed. Both are now in restoration.

Throughout the 18th- and towards the 19th-century galleries, the walls switch from purple to burgundy. The collection here remains uneven but has some surprising successes, such as Alexandre Cabanel's striking 1881 portrait of the unfortunately named Miss Fanny Clapp. The later 19th century is much stronger, but the attempt to highlight the star attraction—van Gogh's *The Night Café* (1888)—has backfired. The painting is centered opposite a doorway from one room to the next, nicely bracketed for the viewer. At the viewer's back, however, blue daylight streams through unscreened windows and washes out the painting. A less prominent space would show this darkly shimmering masterpiece to better effect.

On the floor above, the transition from European-dominated prewar art to postwar American is beautifully done: You burst out of the closed-in Kahn gallery to an expansive new space in the Swartwout building. Arshile Gorky is to the left, Jackson Pollock dead ahead. In the right corner, an explosive 1970s Willem de Kooning and a

1950s Hans Hoffman are bounded by a black-and-white de Kooning lithograph and a Franz Kline with a rare touch of deep, saturated green.

Further off to the left, an Alexander Calder mobile dangles cheerfully above the best painting in the museum, Stuart Davis's *Combination Concrete #2* (1956-58). This space has the nonchalant exuberance of an E.B. White essay, or a snowball fight with your girlfriend, and is guaranteed to put you in a good mood. The only disappointment is a pair of Mark Rothkos which should not have been separated from the third Rothko in the Yale collection. These man-sized canvases need a low ceiling and low light (Rothko specified



'Combination Concrete #2' by Stuart Davis

high-medieval Tuscany as beautifully and neatly as any artwork in this hemisphere. A trimmed-down Pontormo in the next room achieves a subtler coloristic triumph.

The European collection moves from these strengths to a striking weakness in the 17th-century display, which is anchored by a van Dyck with nauseating angels and Rubens's *Hero and Leander* (familiarily *Puffy Women Drowning*, 1605). A pair of large portraits by Hals (first among Holland's second-string portraitists) provide enhanced dourness. Most museums wouldn't be able to rectify such a deficiency with any amount of money, but the Yale collection is so deep that you never know what misattributed masterpiece might turn

40-watt bulbs). They should appear monumental and numinous. In this big, bright space, they don't.

At this point, we still haven't set foot in the third building. Street Hall is now a self-contained museum of American art before 1900. Paintings are on the upper floor; furniture, silver, glassware, and two charming period rooms are on the lower. Here, unfortunately, the object checklist rears its lazy head and makes it hard to follow the extraordinary story of the American aesthetic. Yale's collection is first-rate and the installation is splendid. But objects are numbered, and the corresponding descriptions are bundled together on beat-up sheets of cardboard, thus turning the museumgoer into a librarian. And if the checklist has gone missing, you won't learn anything from a display case except how many objects are contained therein.

The heart of the upstairs painting collection is John Trumbull's famous Revolutionary War series, which was acquired directly from the artist in 1831 and made Yale the first American university to have an art gallery. Also well represented are Thomas Eakins and Winslow Homer; five Homer watercolors tucked away in their own little room are the best pieces here. John Singer Sargent gave most of his work to the Metropolitan Museum, but he did have time to dash off an unusual and beautiful little still life for Yale. Two large Shakespearean scenes by Edwin Austin Abbey are bizarre, but fascinating. Abbey's wide-eyed heroines seem to be enthralled by a bright, twirling object just offstage, and would obviously believe anything you told them.

Back in Swartwout, a gallery of 20th-century American representational art includes four Edward Hoppers, which is as strong a collection as you'll find outside the Whitney. Yale has *Rooms for Tourists* (1945), one of Hopper's greatest achievements, and the overrated *Rooms by the Sea* (1951), beloved of the symbology crowd.

In the battle of the curators, Yale has an inherent advantage: The Metropolitan Museum may technically be free, but it is run as a commercial

operation. Laurence Kanter curated the Met's Robert Lehman Collection for 20 years, and there, he says, success was measured in units of 25,000 visitors. The Yale galleries are genuinely free and in a university town off the beaten track; this has produced a different kind of museum. The curator still faces certain political pressures, which show through

at the edges, but the museum overall is a landmark achievement.

Kanter recognizes that only a small number of visitors, whether at the Met or at Yale, will engage the art deeply enough to be influenced by it. At Yale, he has tried to create the best space for deeper engagement, and he has succeeded. ♦



The Butler Did It

Turned a good story, that is, into a bad movie.

BY JOHN PODHORETZ

Has there ever been a more melodramatic director than Lee Daniels? The man screams out movies at the top of his lungs. Even the titling of his films becomes an occasion for histrionics. In 2009, he made a movie called *Push*, only to discover there was a science-fiction film with the same name. So he retitled it—and oh, how he retitled it. It became *Precious: Based on the Novel "Push" by Sapphire*.

He began by weeping over the loss of his original title and the damage it did to his selfless effort to bring a supposedly central work of African-American literature to the screen. Then he incorporated the name of the novel *and* the writer's name into the title, and in so doing, Daniels struck public relations gold. The ginned-up controversy provoked articles well in advance of the movie's release and elevated its profile both with art-house audiences and African Americans. The movie was a sensation in its opening weeks. *Precious: BOTNPBS* ended up with six Oscar nominations, and won two.

The same thing just happened with his new film, originally titled *The Butler*. We're told that Warner Bros. objected to the use of the title because it had released a 1916 film of the same name; by doing

Lee Daniels' *The Butler*

Directed by Lee Daniels



so, the studio mysteriously compelled Daniels and the Weinstein Company to change their title, even though there have been plenty of movies that shared the same names over the past century without any such trouble.

This rather suspicious controversy produced news stories similar to the ones that preceded the release of *Precious*. Daniels and executive producer Harvey Weinstein wrote lachrymose letters about the central importance of the words "The Butler" to their entire project. Finally, they hit upon a solution: They would call it *Lee Daniels' The Butler*! Obviously, this was good for the movie, and especially good for Daniels himself. He is hardly a household word, especially since his last movie, the unbelievably godawful *The Paperboy*, barely got released last year. And yet here he is now, not only above the title but *within* it, like the superstar African-American writer-director-actor-producer Tyler Perry.

Daniels is, without question, a master at pop-culture public relations, and he must be a very convincing person altogether. He somehow talked Nicole Kidman into urinating on Zac Efron as

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part of the action of *The Paperboy*, thus garnering the movie the only controversy it could ever possibly generate. He also convinced the comedian Mo’Nique and the singer Mariah Carey to act in *Precious*. These were inspired strokes of casting, as Mo’Nique won a well-deserved supporting actress Oscar and Carey erased the memory of her horrible turn in the notorious *Glitter* (2001) with a jewel of a performance as an exhausted but caring social worker.

Daniels also scored the participation of his friend Oprah Winfrey (the “presenter” of *Precious*) in *The Butler*, her first turn on the screen in 15 years. She’s very good in it, and she has been very good for it. She also managed to go out and stir up a fuss about how she was supposedly mistreated in a racial manner by a shopgirl in Switzerland who tried to steer her toward a handbag that *didn’t* cost \$40,000—thus generating headlines for three days just as *The Butler* was about to be released. The movie made \$25 million in its opening weekend, twice what it was predicted to make. So what if a Swiss shopgirl was slandered? This is *Lee Daniels’ The Butler* we’re talking about here!

What is it we’re talking about, anyway? The movie itself is schematic, it’s nonsensical, it’s hysterical, it conflates eras and political moments, it has 60-year-olds playing 30-year-olds and 35-year-olds playing 15-year-olds. It has Robin Williams playing Dwight Eisenhower. By any conventional reckoning of what a good movie is, *Lee Daniels’ The Butler* is just awful. And yet there’s no denying it—this atrocity is an enormous crowd-pleaser and is going to be a huge hit.

The story is ludicrous and overwrought, but Daniels films it in a consciously grand, classical, and somber style—almost entirely the opposite of the incredibly lurid tone and spirit of both *Precious* and *The Paperboy*. This was a canny choice, since it somehow succeeds in masking the preposterousness at every turn.

Daniels and his screenwriter Danny

Strong have taken the true story of White House butler Eugene Allen and turned it into a historical pageant about the struggle for civil rights, in which one man—the butler, here named Cecil Gaines—represents the notion of accommodating the white majority while another embodies confrontation. Because of this movie’s almost unimaginable vulgarity, Gaines’s antagonist is—natch—his own son, Louis.

Cecil (Forest Whitaker) is taught by life to go along with the whims and

Ronald Reagan (in the movie’s most out-and-out ludicrous scene) says to him, “The whole civil-rights thing—sometimes I think I’m just wrong.” Cecil gives away nothing, even though he lives through everything.

Meanwhile, Cecil’s son Louis desegregates a lunch counter, becomes a Freedom Rider, is with Martin Luther King at the motel in Memphis, becomes a Black Panther, leaves the Black Panthers, becomes a college professor, runs for Congress and loses, becomes an activist, and becomes a congressman. And all he does, throughout the movie, is insult Cecil.

This makes no sense dramatically. Cecil is a kind man and a good father, and Whitaker, in a beautiful performance, gives him a dignified gravity at all times. The abuse Cecil suffers from his son, and his son’s utter lack of respect for his worthy father, is inexplicable if you are interested in these people as characters who might actually behave the way real people do. Daniels and

Strong are not. They finally show some disapproval for Louis when he comes home after seven years and enrages Cecil by calling Sidney Poitier an Uncle Tom. But the scene is utterly unbelievable.

There are some good scenes along the way, just so long as they don’t involve Louis or the White House. The domestic discord between Cecil and his wife Gloria (Winfrey) is sad and powerful, and the depiction of middle-class black life in Washington in the 1950s and ’60s is rich and vivid. They are the only moments in the movie in which Daniels stops ramming his theme down our throats, and they come as a great relief.

But what do I know, compared to Daniels? He’s become a brand name after only five films because of his caricaturish view of the world. And me? Is this part of the magazine called *John Podhoretz’s The Movie Review*? No, it isn’t. Case closed. If this review were a movie directed by Lee Daniels, it would be called *Lee Daniels’ Lee Daniels Wins*. ♦



Robin Williams, Forest Whitaker

desires of white people. As a boy in 1920s Georgia, he watches his mother get raped and his father shot by the crazy owner of the land on which they are sharecropping. He is then brought into the owner’s home—as a bizarre act of kindness—to learn how to serve the man who killed his father.

He flees as a teenager and, starving, breaks into a hotel to get food. Instead of getting arrested, Cecil is taken under the wing of a kindly worker (Clarence Williams III, the terrific and tragically underused onetime star of *The Mod Squad*), who teaches him more about being a servant and then gets him a job at a Washington hotel. He does so well as an invisible, uncontroversial, unchallenging presence that he’s spotted by a White House household executive and hired to work as a butler at 1600 Pennsylvania Avenue.

Every time Cecil walks into the Oval Office, he overhears a snatch of conversation about Little Rock, or Selma, or Birmingham; John F. Kennedy informs Cecil that his heart has changed, while

"Loss-making BlackBerry, which has bled market share to Apple's iPhone and phones using Google's Android operating system, said last week it was weighing options that could include an outright sale."

—Reuters, August 21, 2013

PARODY

Where Are The Leaders?
the popular Democrat, who has pro... continued on Page A3

BlackBerry Makes Last-Ditch Effort

280ZX to offer call waiting, mute button

By IAN AUSTEN

WATERLOO, ONTARIO — Hoping to avoid the fate of Palm, Inc., BlackBerry Ltd. has devoted its remaining resources to developing a state-of-the-art handheld device known as the 280ZX. Sources inside the company say it will "blow the competition out of the water" with such features as call waiting, conference call (more than two individuals can talk at the same time) and a mute button.

According to chief executive Thorsten Heins, this latest model is "make-or-break" for the company, and based on what he has seen, he is cautiously optimistic. "This phone will have larger buttons," Mr. Heins promised, "allowing greater accessibility to the World Wide Web and search engines like WebCrawler and AltaVista." In addition, "it can be plugged into a fax machine, which more and more people are using these days, and even be connected to a dot-matrix printer."

Earlier this year, the BlackBerry Z10 was unveiled amid much fanfare. Yet sales of the phone have slumped. For the launch of the 280ZX, it is rumored that the company has hired actor Pauly Shore and singer Corey Hart. Mr. Heins refused to confirm this, but he does occasionally wear his sunglasses at night and referred



BlackBerry released this photograph of a prototype for a future 'speakerphone.'

to "Encino Man" as a "timeless classic." "Here at BlackBerry, we're just getting started," said Mr. Heins, who spoke of a possible joint venture with Borders Books and Lucent Technologies. And while he mentioned neither the iPhone nor the Android, Heins was particularly concerned about Nokia. "They've got this phone that doesn't even have an anten-

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Obama Clarifies 'Red Line' On Syria

'There's red, and then there's crimson'